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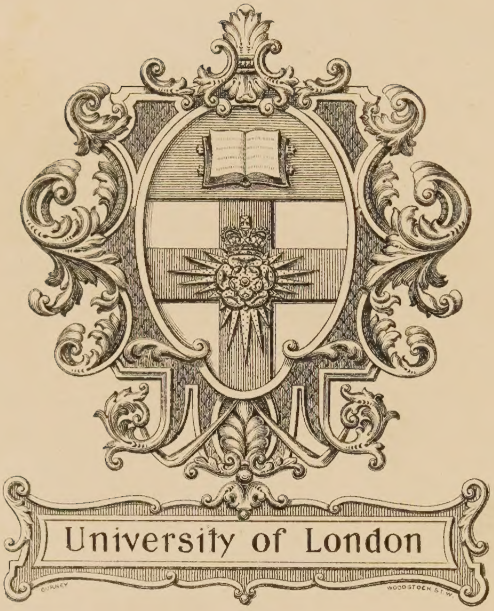
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HANSARD'S DEBATES.

HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXIV.

COMPRISING THE PERIOD FROM
THE SECOND DAY OF JUNE
TO
THE NINTH DAY OF JULY, 1834.
Fourth Volume of the Session.

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1834

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HANSARD'S

Parliamentary Debates

During the SECOND SESSION *of the* ELEVENTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
4th February, 1834,
in the Fourth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Fourth Volume of the Seſſion.

HOUSE OF LORDS,

Friday, May 30, 1834.

MINUTES.] Bills. Read a second time:—Navy Pay; Friendly Societies.

Petitions presented. By the Earl of ELDON, the Bishops of LICHFIELD, and BATH and WELLS, from several Places,—against the Admission of Dissenters to the Universities.—By the Duke of RICHMOND, the Earl of HAREWOOD, Lord SUFFIELD, and the Bishop of BATH and WELLS, from several Places,—for the Amendment of the Sale of Beer Act.—By the Duke of SUTHERLAND, from several Dissenting Congregations, for Relief to the Dissenters.—By the Earl of ELDON, from Inston, for amending the Tithe Laws.—By the Duke of HAMILTON, the Earl of CAMPERDOWN, and Lord KINNOUL, from several Places,—for a Better System of Church Patronage in Scotland.—By the Earl of CAMPERDOWN, from the Handloom Weavers of several Places, for Relief, and a Board of Trade.—By the Marquess of LONDONDERRY, the Earl of ELDON, Viscount STRANGFORD, and the Bishops of LONDON, LICHFIELD, and BATH and WELLS, from several Places,—for Protection to the Established Church.—By the Duke of HAMILTON and Earl GREY, from several Places, against altering the Present System of Church Patronage in Scotland.—By the Marquess of BREADALBANE, from several Places, for a Reform of the Established Church.—By the Duke of HAMILTON, from Gulston, against Drunkenness.—By the Marquess of BUTE, from the Directors of the London and Westminster Bank, to be heard by Counsel in favour of the Bill concerning them.—By the Marquess of BREADALBANE, and the Bishops of LONDON, LICHFIELD, and BATH and WELLS, from several Places—for the Better Observance of the Lord's Day.—By the Duke of GLOUCESTER, and the Bishops of LICHFIELD, from several Places,—against the Claims of the Dissenters.

HOUSE OF LORDS,

Monday, June 2, 1834.

MINUTES.] Petitions presented. By the Earl of ROSEBERY, from the Schoolmasters of Lorn, for an increased Stipend.—By Earl SEFTON, from two Places, for the Better Observance of the Lord's Day.—By the Duke of GRAFTON and Earl SEFTON, from several Places,—in favour of the Claims of the Dissenters.—By the Earl of WESTMORELAND, from Northampton, against the Separation of Church and State.—By the Dukes of RUTLAND and WELLINGTON, the Marquesses of BRISTOL and LONDONDERRY, Earls WESTMORELAND and FALMOUTH, Lords PRUDHOE, KENYON, LYNDHURST, and HOWE, and the Bishops of HEREFORD and GLOUCESTER, from a Number of Places, —for Protection to the Established Church against the Claims of the Dissenters.—By Lord DACRE, from a Number of Places, in favour of the London and Southampton Railway Bill.

WARWICK BOROUGH.] Lord *Wynford* expressed a wish that something should be done to accelerate their Lordships' decision with respect to the Bill for regulating the Borough of Warwick. Many witnesses had been examined, and yet they saw no end to the case. The expense was enormous, as those witnesses were very liberally paid. They had as yet made no progress in proving the preamble of the Bill, and they might be going on in this way for three or four months longer, unless some arrangement could be made to bring the matter to an end.

The *Lord Chancellor* could not complain of his noble and learned friend for having brought this subject before the House. That to which his noble and learned friend had particularly called their Lordships' attention—namely, the great expense that was incurred—was well worthy of consideration. For the last week or ten days, very little progress had certainly been made. At the commencement of these proceedings, he felt very great reluctance to appear impatient, or to do anything which might look as if he wished to obstruct evidence, and so long as anything was brought forward which bore on the preamble of the Bill, he did not interfere. But still he thought some arrangement ought to be made as to the compass to which the residue of the evidence should be suffered to extend. He had not the smallest wish to cut out evidence, but he would call on counsel to adduce that evidence only which appeared to be really material. It should particularly be recollected, that this was not the only Bill of the kind then before their Lordships. It was, on the contrary, one of four bills; and if they went on with the examination of fifty-nine witnesses, who were yet unexamined, a prorogation of Parliament would take place before the number was exhausted. If it could be so arranged that the evidence given in this Session should be accessible in the next, some part of the difficulty might be overcome; but it was not very usual to take such a course. It was, indeed, rather to be avoided, and simply on this account: sitting there as a Judge, he should not be doing his duty to their Lordships, if the case having been postponed, he did not sum up the evidence in the following Session; but after such a lapse of time, what chance was there that he would retain the impression which that evidence, at the moment, had made on his own mind—what chance was there that their Lordships would retain the impression which the evidence, as given in their hearing, had created in their minds? Evidence might be made to appear credible or incredible on paper. It might be made to appear just the reverse of what it seemed at the time when it came from the witness's mouth. The expense was unquestionably very great, and ought, if possible, to be avoided. The subject was, however, beset with difficulties, and he wished that he could see his way clearly through them. He had merely thrown out these observations for consideration, leaving it to others to point out what they might conceive to be expedient. Some rule might, perhaps, be adopted by the learned counsel (and no men were more able to discharge their duty to their clients) by which they could confine themselves to those points of the case on which they thought they could confidently rely, while, for the present at least, they dispensed with everything that did not appear to be absolutely necessary.

The Earl of *Durham* said, he was as anxious as the noble and learned Lord opposite, or as the noble and learned Lord on the woolsack, to bring this matter to an end as soon as possible: therefore he should not oppose any proposition for effecting that object. For himself, he should suggest, that the best mode of proceeding would be to meet early in the morning; and go through with the evidence from the beginning to the end.

The Duke of *Cumberland* was understood to accede to the proposition of the noble and learned Lord on the woolsack, that the counsel should be requested to confine themselves to material points. It would be most inconvenient to meet in the morning, and he hoped the noble Earl would not make a Motion to that effect.

Lord *Lyndhurst* said, they had now been upwards of three weeks considering this subject, and, from the anxious attention he had paid to the evidence, he could safely say, that the counsel at the bar had made little or no progress in establishing their case. Indeed, during the last three or four days the evidence they had called completely contradicted the main facts on which they rested their case at first. Nearly sixty witnesses had now been examined; and he knew so much of the experience and ability of the learned Gentlemen at their Lordships' bar, that he was convinced, if they failed in making out a case with the assistance of the witnesses who had already been heard, it was but a waste of time to go on with the witnesses that remained. The noble and learned Lord on the woolsack had called on counsel to state the points to which they intended to direct their examination. He approved of that suggestion; and he had attended to hear the statement of Mr. Harrison. It was, he might say, a statement of the most vague description that could be imagined; and he left the House with pretty much the same degree of information as it possessed when he entered it. What did the learned counsel say he would endeavour to prove? 1. Some few instances of bribery. 2. Acts of treating to a considerable extent before testing the writ, and many afterwards; and he stated, that he would connect the treating before testing the writ with the treating after it. The third proposition was, that he should prove, that frauds had been committed, names having been placed on the registers that should not have been there; and lastly, he stated, that he should prove the existence of great violence and tumult. With respect to the first point, even if they gave the utmost credit to the witness Macdonough, still not more than ten or twelve cases of bribery were proved. With respect to treating before testing the writ, and treating after it, it had been proved, during the last two or three days, it was wholly unsanctioned by the candidates. With respect to the argument as to improper registration, it was one of the most extraordinary reasons that ever was given for such a measure as this. It was an attempt to prove, that because persons unconnected with the Borough, and having no right to vote there, had got their names improperly inserted on the registers, therefore their Lordships were called on to disfranchise those who had, by law, a right to vote. To attempt such a thing as that was quite unexampled. As to the riots, it appeared that, in 1831, men had been hired to protect the real voters, and to enable them to vote, in consequence of hostile attempts which had been made by members of the Birmingham Union. It was, in fact, a matter of self-defence. He was willing to rest the case on the statement of counsel at the bar, and even then it could not stand. In conclusion, the noble and learned Lord adverted to the great expenditure, which, in the end, must amount to many thousand pounds, if they proceeded in this manner.

The *Lord Chancellor* objected to proceeding with the Bill in the morning. If he and other of his learned friends were obliged to attend to hear the evidence, justice, both in law and equity, would be to a considerable extent suspended.

Lord *Wynford* said, it would be very desirable to hear from the counsel at the bar what more evidence they could adduce to support the charge of bribery. The persons who had absented themselves from this inquiry might have done so in consequence of their poverty, and not from any feeling of contumacy. He doubted, however, whether they could be arrested under a royal proclamation. He thought it was necessary that those who attempted the arrest should be armed with a warrant from that House.

Counsel were called in, and their Lordships proceeded with the Bill.

HOUSE OF COMMONS,

Monday, June 2 8 34.

MINUTES.] Bill. Read a second time:—Landed Securities (Ireland).

Petitions presented. By Mr. CUTLAR FERGUSSON, from Calcutta for Trial by Jury in Civil Cases; also for some Legislative Measure relating to Real Property in India.—By Messrs. HUGHES, EGERTON, DUGDALE, CARTWRIGHT, and R. PALMER,—against Admission to the Universities; and by Sir JOHN TYRELL, and Messrs. HALL, DARE, CARTWRIGHT, BARING, HALFORD, and BELL,—from a great Number of Places,—against all the Claims of the Dissenters.—By Lord GRIMSTON, Sir J. TYRELL, Sir J. D. ASTLEY, Messrs. HALL, DARE, HALFORD, BELL, BARING, and DUGDALE, from several Places,—for Protection to the Established Church.—By Lords GRIMSTON and HENNIKER, Sir G. MURRAY, Sir EARDLEY WILMOT, Sir H. CAMPBELL, Sir B. W. GUISE, and Mr. BAILLIE, from several Places,—against Drunkenness.—By Lord GRIMSTON, Sir WILLIAM FOLKES, and Mr. SAUNDERSON, from five Places,—for the Better Observance of the Sabbath.—By Lord GRIMSTON, Sir JOHN TYRELL, and Messrs. HEATHCOTE and HALFORD, from several Places,—against the Sale of Beer Act.—By Sir ALEXANDER HOPE, Sir GEORGE MURRAY, and Messrs. LISTER, ROBINSON, PHILIPS, BOLLING, INGHAM, JAMES OSWALD, BAILLIE, and PALMER, from a Number of Places,—against the whole or parts of the Poor-Laws Amendment Bill.—By Colonel LEITH HAY, from Borrowstowness, for Protection to the Church of Scotland.—By Mr. HUTT, from Hull, against Corporation Abuses.—By Mr. BLAMIRE, from Stapleton, against the Punishment of Death for Offences against Property.—By Messrs. PHILIPS and DAWSON, from several Places,—against Church Rates.—By Captain WINNINGTON, and Messrs. HUMPHERY and TYRELL, from several Dissenting Congregations,—for Relief to the Dissenters.—By Mr. Alderman THOMPSON, Mr. HUTT, and Mr. CHAPMAN, from several Seaports, for the Repeal of the Reciprocity of Duties.—By Mr. HEATHCOTE and others, from several Places, for re-enacting the Labourers' Employment Measure.—By Mr. BAILLIE, from the Master Sweepers of London and Westminster, against the Chimney Sweepers' Bill.—By Mr. GASKELL and Mr. BAILLIE, from Wakefield and Bristol,—for removing the Civil Disabilities of the Jews.—By Sir GEORGE MURRAY, from Perth, for an Alteration of the Game Laws.—By the same, Mr CUTLAR FERGUSSON, and Sir H. CAMPBELL, from several Parochial Schoolmasters, for an increased Stipend.—By Mr. DUGDALE, from the Debtors in Warwick Gaol, for abolishing Imprisonment for Debt; from the Coal Miners of Warwick, for exempting such Mines from the Payment of Poor Rates.—By Sir WILLIAM GUISE and Sir B. W. FOLKES, from two Places,—for Relief to the Agricultural Interest.—By Mr. HUTT, from Merchant Seamen, and others, at Hull, against the Payment of Sixpence to Greenwich Hospital; and by Mr. ROBINSON, from the Seamen's Hospital Society, for applying such Sixpences for the Benefit of the Widows.—By Mr. CUTLAR FERGUSSON, from one Place for a Better System of Lay Patronage in Scotland.

CHURCH LANDS (IRELAND).] Colonel *Butler* presented a Petition from the parish of St. John, in the city of Kilkenny, very numerously signed, in which the petitioners stated, that they were by no means hostile to the clergy of the Established Church being fairly remunerated for their services, but, as they were convinced the landed property of the church, if fairly let at anything like its real value, would amply afford to the Government the means for so providing for them, they prayed for a total abolition of the odious impost of tithes, as they were the constant source in Ireland of misery, outrage, and too often of bloodshed, in the rigorous exaction of them. He perfectly agreed with the petitioners in every respect, and most particularly so as regarded the shameful mismanagement of the Church-lands in Ireland; and he should take the liberty of trespassing on the patience of the House, while he quoted an authority on the subject in proof of what the petitioners stated —an authority that certainly could not be suspected of any desire to exaggerate the said mismanagement; on the contrary, he verily believed, that great care was taken in the document in question to conceal as much as possible the manifold instances of the monstrous misappropriation of the property which actually existed. The authority to which he alluded was the first report of his Majesty's Commissioners on ecclesiastical revenue and patronage in Ireland, dated, Council Chamber, Dublin Castle, March 1st, 1833. Colonel Butler then proceeded to read the following extract from the said report:—"That the general mode of regulating the renewal fines according to the most approved tables, appears to be nearly at one-fifth of the profit rent of the land, after deducting the rent paid by the lessees to the Archbishops and Bishops, and not debiting the tenants with the value of their buildings. The tenants, however, under the see of Armagh are charged one-eighth, instead of one-fifth of the clear yearly profit, after deductions; and it is observed by the Lord Primate, that were his Grace to adopt the same mode of renewal as that practised in other dioceses, it would have the effect of increasing the annual income of the see of Armagh by the sum of 6,260*l.* 14*s.* 5*d.* The mode of calculation is taken from the Bishops' returns." Among the signatures affixed to this report, were those of two Archbishops, three Bishops, the right hon. member, the late Secretary for the Colonies, the Irish Master of the Rolls, and half a dozen highly influential gentlemen, who, acting as Commissioners, must have been fully informed on the subject. Thus, then, it was proved, that in the see of Armagh seven-eighths, and in all the other dioceses in Ireland four-fifths of the rents of that property, paid by the occupying tenantry, which ought alone to be appropriated to Church uses, were actually in the possession of private individuals, owing, as he understood, to an Act, certainly not of the reformed Parliament, which allowed the right reverend guardians of it the power to receive what are called fines for renewing leases, at so gross an undervalue, that it rendered the rents of their lands in point of fact merely nominal; yet it was a power generally acted upon, and often he was sorry to say, in a manner that was very discreditable to the highest dignitaries of the established religion. He had made a calculation from the report to which he alluded, on the admitted principles as regarded the rate of the amount of the renewal fines, on six cases in the see of Armagh, and sixteen in other dioceses, in which property is so held on Bishops' leases for one and twenty years, containing from two to twelve thousand acres each and he found that, in the first six cases, an income was extracted out of the lands by these lessees or middlemen, of no less a sum than 13,500*l.* per annum, and in the latter sixteen 32,753*l.* 7*s.* 5*d.* per annum, the total amount being 46,253*l.* 7*s.* 5*d.*, not taking into calculation the value of buildings, which, in many cases, might amount to thousands of pounds, and which, no doubt, when added, would bear out the general impression on the subject, namely, that the Bishops, and other high dignitaries of the Church, did not receive more than one-fifth or one-sixth of the actual value of their lands. He concluded by saying that, as he had a motion on the book on the subject for the 1st of July, he would not at present enter into further particulars; at the same time he would request hon. Members, and particularly his Majesty's Ministers, carefully to peruse the authority which he quoted; for if they did, he had no doubt they would not sanction the present almost total perversion of Church property, whether or not the same was hereafter to be appropriated to the uses of the Church or State. Both of them might have a strong claim on it; but certainly there was no claim to it, founded upon any principle of common sense or justice on the part of private individuals further than the residue of their existing leases, to which he was willing to admit they were entitled, but only entitled as a vested right for that period, and not one hour longer. As for dealing with these lessees for a perpetuity of leases so obtained and held heretofore, no matter for what length of time, under such a corrupt system of renewal, he considered that it would be a fraud on the Church and the people of Ireland generally. On the Church, as it would deprive it of the most legitimate means of providing for the clergy of the Establishment; on the people, as it would destroy the only way in which a total abolition of tithes could be effected, without endangering the complete overthrow of the Protestant religion in that country, which God forbid should ever take place.

ADMISSION OF DISSENTERS.] Mr. *Hughes Hughes* rose to present three Petitions from the Ministers, Churchwardens, and Inhabitants, of the several parishes of St. Peter-in-the-East, St. Aldate, and Holywell, in the city of Oxford. All the petitioners stated, that should the measure sought by the Universities' Admission Bill (the second reading of which had been fixed for that evening) receive the sanction of the Legislature, the most serious consequences would ensue; that it would be an infraction of the ancient rights of the Universities, an innovation of their discipline, would lead to schisms amongst the students, to the overthrow of those regulations which time had proved were so essential to the promotion of learning and the advancement of the great and solid interests of the country in Church and State, and eventually to the subversion of the established religion; and that the union which had so long and so beneficially subsisted between the Universities and the Church of England (deeply felt by the petitioners) would virtually become extinct; but, beyond what the petitioners had thus submitted to the consideration of the House, there was another fundamental objection to the Bill, viz. that it proposed to admit, not only persons of every or any religious persuasion, but to allow men destitute of all religious principle whatever, to matriculate and take degrees; and, so privileged, they would go forth to the world with all the force and effect which learning could confer, to forward and accomplish their mischievous designs. He had on a former occasion, when presenting a similar petition, unanimously agreed to by the Corporation of Oxford, read to the House the declaration of all those immediately connected with the instruction and discipline of the University of Oxford, to the effect that it was their determined purpose, to the utmost of their power, to maintain inviolate their present system of religious instruction. Since that time, the number of Members of Convocation and Bachelors of Civil Law, who had signed a declaration, expressive of their approval of the declaration of the tutors, and the concurrence of their feelings and opinions with those which were so seasonably and suitably expressed in such declaration, had increased to 1,830. The Vice-Chancellor, Heads of Houses, and Proctors, had also signed a declaration of their deliberate and firm opinion that the Bill in question, if passed into a law would violate their legal and prescriptive rights, subvert the system of religious instruction and discipline so long and so beneficially exercised by them; and, by dissolving the union between the University and the Church of England, impair the efficiency and endanger the security of both. Fully agreeing in opinions entitled to so much weight, he would add only one remark with reference to an observation of the hon. and learned member for Bath, one of the principal advocates of the Dissenting body. The hon. and learned Gentleman had broadly asserted, that religion was not taught in either of the Universities. Now he (Mr. Hughes Hughes) held this to be a gross calumny; but admitting, for the sake of argument, that it was true, how happened it that the Dissenters were so anxious for the admission of their children and connexions into colleges, in which, their organ said, the principles of religion were not inculcated?

Petitions to lie on the Table.

CHURCH OF IRELAND—ADJOURNED DEBATE—SCHISM IN THE MINISTRY.][*]

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[*] The former debate on this subject was adjourned, at the request of Lord Althorp, because, as it was understood, some of his colleagues had resigned. In the interim it was known, that Mr. Stanley, Secretary for the Colonies, Sir James Graham, First Lord of the Admiralty, the Duke of Richmond, Post-Master General, and the Earl of Ripon, Lord Privy Seal, had resigned their offices, because they differed from their colleagues on the subject of the appropriation of Church property. Mr. Spring Rice was appointed Secretary for the Colonies, Lord Auckland First Lord of the Admiralty, the Marquess of Conyngham Post Master General (without a seat in the Cabinet), and the Earl of Carlisle Lord Privy Seal. The following is a list of the Cabinet as it was formed, or was immediately afterwards modified:—

Earl Grey - -	First Lord of the Treas.
Lord Brougham - -	Lord Chancellor.
Marq. of Lansdown -	Lord President.
Earl of Carlisle - -	Lord Privy Seal.
Lord Althorp - - -	Chanc. of the Exchq.
Lord Holland - -	Duchy of Lancaster.

Lord *Althorp:* I rise for the purpose of moving the Order of the Day for resuming the adjourned debate on the Motion of my hon. friend, the member for St. Alban's. In doing so, I wish to address a few observations to the House. In the first place, I think it due to the House, and due to the Government, to give some explanation of the course we have thought it expedient to take, and that explanation will, perhaps, induce my hon. friend to consent to a further postponement of the question. It is not necessary for me to mention, since the fact is avowed and notorious, that differences of opinion existed among the members of the Government respecting the power of Parliament, should the necessity be found to exist, of appropriating the whole, or a part of the revenues of the Church of Ireland. We were aware of the difficulties felt by some of our colleagues who have now separated from us, and which separation no man more sincerely regrets than myself. I must of course lament the loss of the able assistance hitherto received from them. I feel it now, and I shall feel it deeply hereafter; but we were aware that four of our colleagues differed from the rest of the Cabinet upon this question, although we agreed upon every other question. We all, however, concurred in thinking that it was not practically necessary to come to a decision upon it, until we had secured the revenues of the Church of Ireland for such purposes as those to which it might be expedient for Parliament to apply them. We were not, therefore, of opinion that any practical question would come before us which would make it necessary for us to separate upon such a difference of opinion. Agreeing, as I stated, upon every other point, and also on the question of the Irish Church establishment, though we differed as to the appropriation of Church property, we thought we should not be justified in breaking up the Government unless that question of appropriation came practically before us. But the Motion of the hon. member for St. Alban's, and the manner in which we were aware it would be supported here, led us to feel that there was great difficulty in our situation: the Duke of Richmond, Lord Ripon, and my two right hon. friends in this House, most honourably for themselves and most handsomely for us, tendered their respective resignations so as to relieve us from our difficulty of meeting the question without having something to propose on the part of the Government, of a decisive character. In consequence, I suggested the adjournment of the debate on my hon. friend's Motion. It has been, I know, rumoured abroad, that there was a difference in the time at which the resignations took place: that is a complete mistake. When I came down on Tuesday last, I was not aware that any resignations had been tendered: I heard it after I came into the House; and the instant I learnt that the resignations had been tendered and accepted by his Majesty, I felt that I could only do what I did. Nothing could have been more improper than for me to have allowed the debate to proceed under such circumstances, knowing that the Administration was broken up. This is the explanation I have to give as to what passed on Tuesday. Now I have to add, that the course his Majesty has been advised to adopt has been, to issue a Commission of Inquiry. That Commission is to be a Lay Commission, to visit the different parishes in Ireland, and to ascertain on the spot the number of the Members of the Established Church in each parish and benefice: in cases where there is a union of parishes in one benefice, they are to ascertain the number in each parish—the distance from one united parish to the other—the number and rank of the ministers, whether resident or non-resident—to point out those parishes in which divine service is performed, whether in churches or chapels, and to ascertain the average number of persons attending divine worship, and whether that number has increased, is increasing, or is stationary. Further, the Commissioners will have to institute similar inquiries as to the professors of the Roman Catholic religion, Presbyterians, or other Dissenters, and to investigate the state of each parish, as regards moral and religious education; the

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Lord Palmerston	- Foreign Secretary.
Lord Melbourne	- Home Secretary.
Rt. Hon. T. S. Rice	- Colonial Secretary.
Lord Auckland -	- First Lord of the Adm.
Rt. Hon. C. Grant	- Pres. of the B. of Contr.
Lord John Russell	- Paymas. of the Forces.
Rt. Hon. E. Ellice	- Secretary at War.
Rt. Hn. J. Abercrombie	Master of the Mint.

Other changes:—

Marq. of Conyngham	Postmaster-General.
Mr. Cutlar Fergusson	Judge-Advocate-Gen.
Mr. F. T. Baring	- Secretary to the Treas.
Captain Byng -	- One of Lds. of Treasury.

number of schools, whether the scholars have increased, or are stationary, and whether the means of education are adequate to the purpose. They will have to report generally on all other circumstances connected with the moral and political relation of the Church to other sects—its influence on the people of Ireland, and, in short; the investigation is to be as comprehensive as possible, so as to embrace points not yet included in any inquiry—viz., the proportionate number of Catholics and Protestants in the different parishes. I need not say, that Ministers could not have advised his Majesty to issue such commission unless his Majesty was prepared to act upon the report as the case might require. Such is the course his Majesty has been advised to take, and it will be observed that the Motion of the hon. member for St. Alban's pledges the House to an opinion without previous inquiry. It must, I apprehend, be clear to all, that without some such investigation in the first instance, it would be impossible for Parliament to legislate upon the subject; and the question, therefore, is, whether my hon. friend, and the House, will think it right to come to a decision on the principle without evidence. In moving the Order of the Day, what I wished to ask was this:—Having stated the nature of the proposed inquiry—the seal having been already affixed to the Commission—and, that it will be of so comprehensive a character, that those who advised it will be pledged to act upon it—whether, under such circumstances, the hon. Member thinks it necessary to persevere in his Motion, or will, as I hope, consent to withdraw it.

Mr. *Ward:* I feel myself in a situation of most singular, and, I may say, of most painful responsibility. The noble Lord has come forward, on the part of the Government, to meet one of the gravest, and, I will say—considering all the points embraced—one of the greatest questions ever submitted to this House. He purposes to meet it by a Commission of Inquiry, which, I am bound to say, seems to have been instituted on the fairest principles, and furnished with the most ample instructions. I admit that at once. I have also perfect confidence, that if the noble Lord were sure of continuing in his situation, that the object of the Commission would be fairly and honourably executed; but I feel unspeakable pain in adding, that the concession having been made in the manner we have witnessed, and to the extent to which Ministers are pledged, does not and cannot satisfy me, in the position in which I am placed. I entreat the House to believe, that I am not influenced by any improper, factious, or unfriendly motive towards his Majesty's Government; I look merely to the course I am bound to pursue as an honest man, upon this occasion. I have mooted, and I believe fairly, a great question, as to the appropriation of the surplus revenue of the Church of Ireland; and I admit that, if my Motion had been adopted (and I believe I am warranted in saying that it would have been adopted, but for what occurred on Tuesday night), the next step would necessarily have been the appointment of a Committee of Inquiry. In our individual capacities, we are all in possession of some information; but we have not sufficient *data* to warrant the House in legislating upon the subject, or to justify Government in bringing forward any measure. That I admit: therefore, I am for previous inquiry; but I couple it, also, with a distinct recognition of the principle on which we must proceed at last; viz., that this House has a right to dispose of such surplus revenue of the Church of Ireland, as the Report of the Commissioners might make it appear there existed in Ireland. I may be allowed also to add, that I wish it to be applied to the relief of that portion of the population which is not benefited by the present establishment. I should have been happy to have entered into any arrangement—any compromise, were Parliamentary sanction given to the Commission; but, without that sanction, the whole question—the whole gist of the Commission, if I may so say, turns on the permanence of the noble Lord and his friends in office. If he ceases to occupy the situation he now fills, the Commission will be totally null and void—in fact, only so much waste paper. There is a great difference between the proposal of the noble Lord, and a solemn vote of one branch of the Legislature; I, therefore, regret, that I am unable to comply with the noble Lord's wish. The fact, that the Cabinet has been deprived, by the impossibility of meeting this discussion, of the services of those of the noble Lord's Colleagues to whom he has so feelingly alluded, has only rendered the unequivocal adoption of the principle for which I contend, by those remaining in his Majesty's Councils, the more indispensable. It would, indeed, be a most lamentable result if they were not to gain in principle what they have lost in tried talent. All that I can say is, that nothing I have heard to-night changes my opinion as to the necessity of pressing my Motion to a vote.

The Order of the Day for the resumption of the adjourned debate was read, and the Speaker read Mr. Ward's Motion.

Lord *Althorp* said, that as his hon. friend had declined to accede to the proposal of postponing the Motion, it became his duty to speak upon it. As to one clause of the Resolution before the House —the right of Parliament to deal with the property of the Irish Church—he had already stated his opinion, which was decidedly in accordance with that of his hon. friend. He could not have been a consenting party to the advice to his Majesty to issue a Commission, unless he had entirely agreed in that principle. As to the remainder of the Resolution—that the amount of Church-property in Ireland is at present more than commensurate to the wants of the Establishment, whatever might be his own individual opinion, and whatever might be the anticipated result of the inquiry, he did not think the House would be prepared to come directly to such a conclusion. For this reason he could not concur in the conclusion of the Resolution, that the amount of the Church revenues in Ireland ought to be diminished. He was perfectly ready to admit that Parliament, when duly informed, was competent to decide that point: Church-property was trust property; and if the amount of it were greater than was necessary for the accomplishment of the objects of the trust—if it were greatly greater than was required for the maintenance of the Established Church for the benefit of Ireland—so far from injuring the interests of that Church—so far from injuring the religious interests of the Protestants of Ireland, he thought that, to apply a part of the revenues to the religious and moral education of the people, would tend much to promote the prosperity of the Protestant Church. But having stated thus much, it appeared to him, that it was not fitting for the House of Commons to adopt the latter part of the hon. Gentleman's resolution. Some previous investigation ought to take place; and when it was known that his Majesty had been advised to issue, and had actually issued, a Commission of Inquiry, which could only take place upon the principle that Parliament had a right to deal with the surplus property, as an abstract proposition, it seemed to him that to persevere in the Motion before the House would not tend to any beneficial practical result. His hon. friend had said, that he should be satisfied with the pledge, if he were satisfied, also, that the present Ministers would continue in office. He (Lord Althorp) did not apprehend that if his hon. friend carried his Resolution, it would affect the stability of the Government in any degree, or give any force to his own wishes. His hon. friend might think that, by possibility, the result of the debate would place the Government in a better position than at present; but he was sure that his hon. friend could gain nothing by perseverance. With these views, he did not think it desirable to adopt the Resolution; it was always objectionable for a House to pledge itself as to what it would do in a future Session, but most of all upon a question like the present. Without information, it was impossible for the House to say how far it ought, or how far it ought not to go; and the Resolution was merely a vague declaration of the right of Parliament to interfere—a right which, he was confident, as the House was at present constituted, it would be ready at any future time to recognize: and if it were not so constituted, the declaration, supposing it now adopted, would not hereafter receive the slightest attention; and, therefore, it was needless and useless to pass the Resolution. When he first rose to request his hon. friend to postpone his Motion, he had confined his observations exclusively to the Resolution which had been proposed, and he purposely omitted to make any reference to another question, which had been previously decided on by his Majesty's Government—he alluded to the present state of the Tithe Bill. Though it was, from the first, intended by Government that nothing contained in that Bill should have the effect of prejudging the question as to the appropriation of Church-property to the exigences of the State; yet it was thought by many Gentlemen on both sides of the House, and more especially by those connected with the representation of Ireland, that it would be prejudged by the Bill as originally framed. As, however, his Majesty's Ministers wished to leave that question open, they resolved to omit the whole of the clauses relating to the redemption of tithe. It was now for hon. Members to decide whether they would put so little confidence in the declarations of the Government, confirmed as they were by the issue of a Commission of Inquiry, as not to be satisfied unless a vote of that House was taken on the subject. His hon. friend had intimated that he was ready to agree to any modification of his proposition. His hon. friend said, that he was prepared to agree in an Address to the Crown for the appointment of a Commission of Inquiry. Such an Address was unnecessary, because a Commission had already been issued.

Mr. *Ward* was understood to say, that he would willingly agree to an Address to the Crown, which affirmed the principle of his proposition.

Lord *Althorp:* His hon. friend, then, would not object to a modification of his resolution, provided that the appropriation of Church property in Ireland to the exigences of the State was declared to be within the competence of Parliament, and even desirable, for he believed the hon. Gentleman went as far as that. With respect to the first part of this proposition, he thought that it was unnecessary for the House to declare an opinion; and with respect to the second part, he did not think that the House was prepared to come to a decision on it at the present moment. Such being the state of the case, the best course which in his opinion he could adopt was, to move the previous question. This was the course it had been his intention to take on Tuesday last, but under circumstances different from the present; because then he should not have been able to state that his Majesty's Government had taken up the question seriously; but now, in moving the previous question, he was enabled to state, that a commission had been issued for the purpose of inquiring into the subject, and he thought that, under the altered circumstances of the case, many gentlemen might now vote in favour of the previous question, though they would not have conceived themselves justified in doing so on Tuesday last. His hon. friend shook his head at this statement; but such was his own opinion on the point, and he repeated that he could conceive it possible for many hon. Gentlemen who would have opposed the previous question on Tuesday last when the opinion of the Government was not known by the appointment of such a commission as that he had mentioned, to vote for it now; and on the other hand, he was of opinion, that many who would have supported that Motion last Tuesday, would now be opposed to it. He would not detain the House longer, having explained the grounds on which he should move the previous question. In doing so, he asked the House to put confidence in his Majesty's Government. He was not ignorant that, after the statement he had just made, some gentlemen might be found in that House less disposed to place confidence in the Government than before. He was not so absurd as to suppose that the course taken by the Government, in accordance with the wishes, as he believed, of a great majority of that House, would be agreeable to that portion of the House, whose opinions on this subject he was aware were very different from those of the majority. But he appealed to the confidence of the House generally, for he was ready to admit, that the fate of his proposition must depend on the degree of confidence which the House was disposed to place in the Government, and on that ground he should conclude by proposing the previous question.

The Amendment having been put,

Mr. *Hume* said, that however willing he might be to put confidence in the noble Lord personally, he could not put confidence in the administration of which the noble Lord formed part; and he would state to the House why. On the 12th of February last year, the noble Lord, after enumerating the value of Church property in Ireland, concluded his speech by declaring "that if by any act of the Legislature new value can be given to any property belonging to the Church, that new value will not properly belong to the Church, because it is an acquisition dependent on such act of the Legislature, and may be appropriated immediately to the use of the State."* The noble Lord then admitted the whole principle involved in the Motion of his hon. friend the member for St. Alban's, and all doubt on the subject was removed by the course which was followed with respect to the

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* Hansard (third series) xv. p. 574.

147th clause of the Irish Church Bill. The Conservatives sitting on his right, who had that night cheered some of the observations of the noble Lord, objected to that clause, which was, however, supported by his Majesty's Ministers, and carried by a majority of 380. That clause he always regarded as the most essential part of the Bill, because it admitted the principle, that Parliament had a right to deal with the property of the Church. But what followed afterwards? The House, after affirming that principle by a large majority, was induced, in consequence of differences in the Cabinet, which many suspected at the time, but of which no one had any precise knowledge, to assent to the rejection of the clause by a majority just as large as that by which it had at first been carried; and the only reason given for this extraordinary proceeding was, that the retention of the clause in question might have the effect of preventing the Bill passing through the other House of Parliament. At that time no objection was expressed to the principal clause by the right hon. Gentlemen opposite, not even by the late right hon. Secretary for the Colonies. When he saw an Administration thus shifting backwards and forwards, and holding an indecisive course with respect to such a vitally important question as that now under consideration, he must say, that he for one could not consent to place confidence in them. The House was aware, that certain Members, conscientiously believing, that Parliament had no right to interfere with Church property, had seceded from the Cabinet, because they did not choose to avoid giving an opinion on the Motion submitted to the House by the hon. member for St. Alban's, by proposing the previous question. Ought not the House to act in the same manner? Ought not hon. Members to decide on the principle at once, and not leave it unsettled in the hands of the noble Lord opposite and his colleagues? The House would perhaps be surprised to hear, that there was at this moment an ecclesiastical commission existing in Ireland, appointed on the 15th of August last, and of which Sir H. Parnell, Sir John Newport, and several Prelates and Peers, were members. That commission had been appointed to inquire into, among other matters, the amount of ecclesiastical revenues in Ireland; and he knew not in what particular the functions of the commission which the noble Lord said had just been issued differed from those of the commission he alluded to, excepting that it was part of the duty of the newly-appointed body to inquire and report on the comparative numbers of the Catholics and Protestants in Ireland. He was ready to admit, that the appointment of the commission was a proper proceeding, for he did not see how the House could carry into effect the principle involved in the resolution proposed by the hon. member for St. Alban's without being in possession of the fullest information. But was the House aware of the progress made by the commission already in existence? The noble Lord said, that he did not know the actual amount of the revenue of the Church in Ireland, but the noble Lord ought to know, that a report had been made by the commission already named on that subject, and another report was promised to be laid on the table of the House during the present session. He apprehended, then, that the House would soon be in possession of all the information which the noble Lord proposed to obtain by the appointment of a new commission, excepting only an account of the comparative numbers of the different sects in Ireland. But was this latter point of so great importance that full information respecting it must be obtained, before any decision on the Motion under consideration could be come to; and would the House be acting right in yielding confidence to his Majesty's Ministers, who had not as yet expressed any opinion at all on the question? The noble Lord had said, that he was not prepared at the present moment to state his opinion with respect to the resolution proposed by the hon. member for St. Alban's, and, under these circumstances, it was not fair, in his (Mr. Hume's) opinion, to call on the House to place confidence in the newly-modified Administration, without being assured that the Cabinet admitted the right of the State to dispose of Church property, and were ready to act on that principle to the fullest extent. In what worse situation would the Ministers be placed by affirming the present resolution? Supposing that, after due inquiry, it should be found, that the revenues of the Church were not greater than necessary, in this case there would exist no surplus to be appropriated to the service of the State, and Parliament would only have to consider the expediency of a better distribution of the revenues among the ministers of the Church. He was sorry to think that the Government had paid but little attention to that excellent letter of admonition which had been written by Lord Anglesey to Earl Grey. [The hon. Member quoted several passages from the letter in which the expediency of an immediate Reform in the Church Establishment was insisted upon.] He was of opinion that the time was come for reforming the Irish Church, and for removing those causes of complaint which it was admitted by Lord Anglesey, by the late right hon. Secretary for the Colonies, and by almost every member of that House, were justly attributable to the tithe system. The expectations of the country would be disappointed if the principle involved in the resolution under consideration was not affirmed by the House. He was ready to admit, that the new commission, by collecting a mass of valuable information, would materially facilitate the labours of Parliament; but still its appointment did not in the least supersede the necessity of affirming the principle of the right of Parliament to deal with Church property. Indeed, in 1824, he had himself proposed two resolutions—one asserting the principle he had just stated, and the other recommending the appointment of a committee to carry it into effect. He, however, objected to the previous question, because if carried, it would have the effect of preventing anything being done for the benefit of Ireland until another Session. When the Coercion Bill was passed, he greatly regretted, that remedial measures did not accompany it; but it would be unwise, indeed, if on the present occasion the House neglected the opportunity which offered itself of allaying irritation in Ireland. He could not conceive how it was possible for the noble Lord to find any supporters in that House, unless he came forward and declared whether he was in favour or opposed to the principle of the resolution. The Members of that House were aware that an address signed by several hon. Gentlemen had been presented to the noble Lord at the head of the Government. He asked one of the gentlemen by whom that address was signed, whether approbation of the past policy of the Government was expressed in it, and whether any stipulation was made for the future? He received an answer in the negative. He then inquired what the purpose of the address was, and the hon. Gentleman could not tell him. In his opinion, those who supported the Motion of the noble Lord, without requiring some declaration as to the principle on which the new Government was to act, would place themselves in the same situation as the hon. Gentleman to whom he had alluded, and find it difficult to explain the reason of their conduct. For himself, he must say, that he could not place confidence in an Administration until he knew what line of policy they intended to pursue. He considered the proposition of the noble Lord to be a milk and water affair, and only made for the purpose of gaining time; and he trusted that the hon. member for St. Alban's would press his Motion to a division.

Colonel *Davies* said, that he came down to the House the other evening prepared to support the Motion of his hon. friend the member for St. Alban's, at whatever risk to the Government; but the declaration made by the noble Lord, that a commission of inquiry had been appointed, and that as soon as a report should be made, Government would be ready to take the subject up, had placed him in a situation of considerable embarrassment, in common with many hon. Members who intended to give their support to Ministers on the present occasion. He thought much good might arise from the appointment of the Commission; and he did not, like the hon. member for Middlesex, regard it as a mere milk-and-water affair, proposed solely for the purpose of gaining time; for he believed, that the noble Lord opposite, and the majority of his colleagues, were sincere, when they avowed their intention of investigating the subject fully, and of acting with respect to it in a most enlightened manner. But he knew not how it was, that the present Ministers never brought forward any measure without introducing some bitter material into the composition. Why was it that their conduct, which, on the present question, ought to be such as the whole empire, and particularly Ireland, might regard with delight, was rather calculated to excite distrust and alarm than confidence? The noble Lord had called on the House to put confidence in him. He had great confidence in the noble Lord. He believed there was no man in existence more sincere in his expressions, or more honest in his designs; but he had very little confidence in the Government to which the noble Lord belonged; and if anything were calculated to destroy even the small portion of confidence he was disposed to place in the Government, it was the miserable shuffling mode of proceeding which had been exhibited on the present occasion. It was understood, that the present course had been followed in deference to the wishes of two noble members of the Cabinet, one of whom a short time ago delivered a high conservative speech. If this report were true, he could only say, that such individuals were unfit for the times in which they lived; and the sooner the Government got rid of them the better. It was not possible for any small clique now to rule the country; and it should be recollected, the Whigs of the present day stood not in the same situation as the Whigs fifty years ago. For an Administration to be powerful, it was now necessary to appeal to the people; and when it received the support of the country, all those individuals in another place, who were obstacles in the path of the Government, would eventually be obliged to yield. The noble Lord said, that it was unnecessary to agree to the resolution, because the principle was established by the appointment of the new Commission. This was, undoubtedly, true to a certain extent; but the appointment of the Commission was the act of the Government; and what he wanted was, to see the principle of the resolution recognised by that House. The noble Lord knew, that every concession had been made to him; he knew, that the hon. member for St. Alban's was willing to have his Motion modified in any manner, provided that the principle was retained; yet the Government rejected all offers, and seemed only anxious to make an exhibition of imbecillity in the sight of the country. He confessed, that he was so embarrassed by the proceeding of the Government, that he knew not how to vote; and he thought it would be much to be regretted, if the present question were not decided by a large majority. He was afraid, that the proposed mode of getting rid of the resolution by moving the previous question, would not be understood by the country, and that the character of the House would consequently suffer. Yet, feeling himself placed in a situation of great difficulty, he thought his best course was to vote for the previous question.

Colonel *Evans* felt confident, that the effect of the indecisive conduct of the Government would be, to compel the present Administration to make way for one better suited to the spirit of the times. The noble Lord opposite claimed the confidence of the House in favour of the Government; but would it not be as well for the House first to know of whom that Government was composed? The hon. member for Middlesex had given some very good reasons for refusing confidence to the Administration, supposing it to be really framed; and if it was to the same Government as before, he (Colonel Evans) had one or two reasons of his own for withholding his confidence. The noble Lord had stated, more indistinctly than might have been expected, his opinion on the question under consideration; but if that opinion had been most unqualifiedly expressed in favour of the resolution, he should yet have been in doubt as to the course the Government would pursue. The noble Lord, before he accepted office, had frequently voted in favour of the principle, that the taxes should be taken off knowledge; and though, since he had been in office, he declared that his opinion on that subject remained unchanged, it did not appear that he had succeeded in inducing the Government to propose the repeal of the taxes on knowledge. The noble Lord said, that the House was not in a condition to express an opinion on the question, for want of information; but the House surely did not forget, that, in February last year, the noble Lord stated the amount of the revenues of the Irish Church to be 800,000*l.* It was true, that the noble Lord subsequently threw some doubt on this point: but, probably, the noble Lord belonged to that sect of philosophers who held, that nothing existed in reality. Having heard no good argument adduced against the resolution before the House, he should certainly give his vote in its favour.

Colonel *Conolly* said, that the mode in which it was endeavoured to establish the principle involved in the resolution, appeared to him most singular; and he had hoped, that the counsellors of the Crown, particularly after the opinion of his Majesty had been so recently declared on the subject, would not have resorted to the wretched and equivocal proceeding adopted by them that night. He was well aware of the difficulties of the Administration, and he, for one, would have allowed them to make their ministerial arrangements in whatever way they pleased; but he could not help thinking, that they were trifling with the religion of the country, by shuffling off the consideration of this question in the way they proposed. He had rather that they had affirmed the resolution at once. He could not find language sufficiently strong to express his aversion to the course pursued by the Government; and, considering the importance of the interests involved, and the agitated state of Ireland, he was surprised, that the noble Lord had not thought proper to express an opinion with respect to the question under consideration. Ministers ought to have come down and taken a decisive part on this important question, which, he would not hesitate to say, was one of the most revolutionary nature which had ever been proposed to a deliberative assembly under a settled government. When he considered, that this was an attempt to wrest from the House an assent to three propositions most unjust in principle—first, that the Church Establishment in Ireland exceeded the spiritual wants of the Protestant population of that country; next, that it was the right of the State to regulate the distribution of Church property; and lastly, that the House ought to act upon the two former propositions by reducing the Church property, —when he considered the nature of those propositions, he was indignant to think that any man could be found in that House seriously to urge them on its attention. He denied and deprecated each and all of the propositions in terms as strong as he could possibly use. He repeated, that he was astonished at the course taken by the Ministry on this ocsion; and, without meaning to be personally offensive, he would say, that it was equivocal and contemptible. It was at once trifling with the House and with the people. He could hardly trust himself to use the strong terms which arose in his mind on this subject. He denied the premises on which the proposition before the House rested. He denied, the right of Parliament to deal with the property of the Church. He denied that any such right existed, unless, indeed, such a right should be contended for as would unsettle every kind of property in the country. Let hon. Members see to what extent this principle would go. What property could be said to be safe, if it were once adopted? Was there any title, or any land, which could be deemed secure? Was there security for any thing which men usually held sacred? Was the Royal word—was any charter—was any patent, a security for any thing, if this principle were once sanctioned by the House? Was it not "crying havoc, and letting loose the dogs of war?" Was it not upsetting every thing which men held sacred in the country? That it was the first step to such a course, no man could deny, who allowed the experience of other times and former circumstances to guide him. Did not all of those who heard him, know from history,—did not many of them know, from the experience of their own times, that a spoliation of Church property usually, almost necessarily, led the way to a spoliation of every other kind of property? This, however, was the bringing out, it was the march and progress, of those principles which had been advanced under the tempting name of Reform. He had stated, at the time of the discussion of that measure, what consequences might be expected from it, and they now saw some of those consequences before them. They now saw the progress of Reform in the attempted destruction of everything which man held sacred. He spoke warmly on this subject, because he spoke from the deep interest which he took in the existence of the Church Establishment in Ireland; which interest arose from his firm conviction of the blessings and benefits which it had conferred, and was conferring, on that country. He was satisfied, that so far from exceeding the spiritual wants of the Protestant population in Ireland, the Church Establishment of that country was not sufficient for those wants. This might not give satisfaction, he was aware, to those who thought differently—it might not give satisfaction to those who either knew not or did not care for those wants. He repeated, that it was not sufficient for those wants. They should consider not only the actual wants of the Protestant—they should go further, and consider what had once been well said by the hon. Baronet, the member for the University of Oxford—they should consider "the expansive force of Protestantism." As long as he was an Irish Protestant, as long as he had life, as long as he preferred truth to error, he would cherish that remark in his memory, and would cherish the principle which it involved. That principle was one of sincere cordial attachment to that Church, which he knew was calculated to produce so much good, and whose "expansive force" was such, that, in proportion as it was encouraged, it would extend its benefits in that country. Another objection which he had to the Motion before the House, and to the course pursued by Government, was, that it was a sacrifice of the Irish Church to agitation, to that cry which should have been suppressed as soon as it was raised, if Government had acted upon those powers for which they had made so loud an appeal to that House. It had been truly said by the late right hon. Secretary for the Colonies, whose noble and manly course on the occasion of this question, he wished had been imitated by others, that they should not part with anything which was necessary for the interest of the country. That right hon. Gentleman would not give up a single point which would risk a sacrifice of principle. He resigned his office, and the splendid prospects which his high character and talents had opened before him, and left the Cabinet in the possession of his honour and integrity. That right hon. Gentleman had taken a course which it would have been honourable and creditable for others to have followed. He had acted upon principle, and had proudly disdained to sacrifice principle to place. He would not consent to give up any portion of Church property to spoliation. If he looked at the effects of the inculcation of his religion in Ireland—if he saw that where it most prevailed, there was most order, and that where it was least known there was most ignorance and disorder—if he saw such good effects from the prevalence of Protestantism—and if he saw that these were now about to be sacrificed to clamour and agitation,—had he not a right to expect from his Majesty's Government that they would come forward and give such a destructive motion as that before the House a decided negative, rather than meet it in the way they had done? He really was so horrified and shocked at such a motion, that he scarcely knew how to express his feelings. If he did express them warmly, it was because he knew the Protestant Church in Ireland, and saw that its professors and ministers had done so much to mitigate the evils of that country—had done so much to enlighten the people—had effected so much to bring about good order, and a due observance of the laws. These were the effects of Protestantism where it prevailed. He had had an interview with the noble Lord (Lord Althorp) last week, and, in company with two others, had claimed something for the north of Ireland. Had not that part of the country a strong claim on the public feeling and on the public purse, when it was considered that there religion had done much for the promotion of peace and good order? Contrast that with the condition of those parts of Ireland where the Protestant religion was less known: where it existed, peace prevailed—where it was not known, or but little known, war and disorder were predominant. Why, then, he would ask, should they confound the innocent with the guilty,—why should the former be made to suffer for the acts of the latter? If the Government, with the power which had been placed in their hands for the repression of disorder, were not able to control the disaffected, let them say so, but let them not confound the innocent with the guilty—let them not adopt that spoliative principle, of which the example was set them in another country after the beheading of their monarch. He would say, that they were now going fast towards the same democratic principle which had brought about such disastrous results elsewhere. They were now going broadly upon the principle of robbery. He would repeat it, it was robbery; for whose property or estates would be safe if this principle were once adopted? Who could think themselves secure when they saw the property of the Church thus spoliated, to satisfy clamour; and that, too, a clamour which the Government could have put down, if they had only used the means which the Parliament had placed at their disposal? He could go on on this subject for ever. His soul was full of execrations, to which he could not give utterance. He would only say, that he would not pollute himself by voting for either of the courses pointed out—that of the hon. member for St. Alban's, or that proposed by Government.

Lord *John Russell* rose for the purpose of making a few remarks in reply to the observations of the hon. Gentleman who had just sat down; and he thought the House would agree with him in thinking, that the hon. Gentleman's speech contained little else than mere declamation. In speaking, then, he was actuated by feelings of no common kind, for he was addressing the House for the first time after a separation from men of whose power in debate—of whose ability in conducting public business—of whose unsullied integrity and honour, no man in the House, or in the country, entertained the slightest doubt. To have acted with such men—to have agreed with them in general principles—to have had the comfort and satisfaction of their co-operation in carrying great public measures, was undoubtedly a solace in the troubles of public business; and to be deprived of it must be attended with deep and lasting regret. When he said, that such as these must be his feelings, might he not put it to the House, whether there could be any truth—whether there was the smallest symptom of probability—for the opinion entertained by the hon. member for Middlesex, and others, who had insinuated that we could part with such men—that we could consent to divest the Administration of the use of their great abilities—that we could place ourselves in a situation of inconvenience and difficulty, which must necessarily be the result of a separation, when there was no actual difference of principle amongst us? He said, that the appointment of this Commission involved a great principle—it involved the principle, that if it was ascertained by facts and by evidence, that the revenues appropriated to the Irish Church ought to be applied to different purposes than those to which they were now made tributary, or that they ought to be reduced, his Majesty's Ministers would not shrink from the performance of their duty, but propose a measure for the consideration of the House, founded on, and in accordance with, that Report. He apprehended, that the argument of his noble and right hon. friends who had retired from office would be to this effect:—"We cannot consent to this commission of inquiry as to the comparative numbers of Protestants and Catholics—as to the amount of Church property in each parish or district,—for, that inquiry being concluded, we may be called upon to go a step further, and deal with the surplus property, if any such should be found. We may, in that case, be called upon to adopt remedial measures, and as we think none are necessary, we will not, in the first instance, consent to any inquiry." Now, such a dissent, and on such grounds, was, he admitted, highly honourable to those who acted on it, but surely those who acted on a different principle ought, if they were believed to be men of character and honour, to have the credit, if the House trusted them at all, of intending that the commission should fairly and *bonâ fide* be carried into effect; and that its report, if it should report the fact that the Church property in Ireland was more than adequate to the spiritual wants of the Protestant population of that country, should be carried into execution, and that Ministers would, in accordance with the report, recommend some measures consistent with the resolution of the hon. mover. Two courses had been proposed—the first was, to pass a resolution containing a general opinion on two or three matters of fact, and ending by calling on the House to affirm some abstract principle. The other course proposed was, to have a Commission of Inquiry; that was, supposing that it was competent to Parliament to deal with the subject, and reserving to the next Session the practical measure to be proposed for remedying the abuses of the Irish Church. The first course suggested, appeared to him a very bad one, and one which he entirely dissented from. It would be exceedingly imprudent, he thought, in the present state of things, to adopt a general Resolution affirming an abstract principle, instead of proceeding to a practical measure. He had had sufficient experience in Parliament to teach him, that this would be a very improper line of proceeding. If, as some hon. Gentlemen supposed, it should appear upon inquiry, that the revenues of the Church of Ireland ought not to be reduced, that would strongly confirm his opinion. This was what he collected to be the notion of the hon. Member for Middlesex. [Mr. *Hume:* No! no!] He had, it seemed, misunderstood the hon. Gentleman. The hon. Gentleman certainly never understood the Ministers; but he believed the hon. Gentleman said, that if, on inquiry, it should turn out, that the revenues now derived by the Irish Church were properly applied, then no legislative measures would be necessary.

Would it not be absurd for the House to adopt a general Resolution, and next Session call on hon. Members to rescind it? Would not this be an unworthy course for Parliament to pursue? The hon. member for St. Alban's said, "but let us affirm the principle;" and this he said, without telling the House exactly what the principle was which he wished the House to affirm. But let the House look at the Resolution. One part of it said, that "the Protestant Episcopal Establishment in Ireland exceeded the spiritual wants of the Protestant population;" and another, that it was "the right of the State to regulate the distribution of Church property in such manner as Parliament might determine." Now, with regard to the latter proposition, he begged leave to say it was very improper, not to say absurd, to appoint a Commission, unless they allowed this, and that it was, to all intents and purposes, admitted and allowed on the part of his Majesty's Government by such appointment. His Majesty's Government, therefore, had, in fact, affirmed that portion of the Resolution, by the appointment of the Commission. With regard to the other part of the Resolution, that the Establishment exceeded the spiritual wants of the Protestant population, and ought to be reduced, that certainly ought to be founded on facts. He had a strong opinion on the subject, and did not hesitate to say, that if it should be found, on inquiry, that the religious and moral instruction of the people was not properly provided for by the Church of Ireland—the only ground on which an Established Church could be or ought to be upheld—some measure should be devised for better appropriating or reducing her revenues. He begged to say, that he did not think it right, in the first instance, to agree to a resolution pledging themselves to an abstract principle which might be afterwards contradicted by the inquiry consequent on that pledge. It appeared to him, that the better course to pursue was, as suggested by Ministers, to appoint a Commission composed of laymen, and not of Churchmen, which he considered the most valuable part of the proposition, to ascertain the real facts of the case, and its real merits, and then that Government should introduce a measure founded on those facts. Parliament might then, with full knowledge, adopt, alter, or reject altogether, as they might deem best for the general interests of the country, the measure recommended by Ministers. As a question of legislative proceeding, the most simple course—the course recommended by common sense, was the best, and that was the one proposed by his Majesty's Government. But the question had assumed another shape, for an hon. and gallant Member (Colonel Evans) said, he was not satisfied with a Commission, because he knew not the actual state of the Government—whether, indeed, there was a Government, or, at all events, who were the individuals composing it; and that the Commission was the suggestion of two noble Lords still in the Cabinet to get out of the difficulty. The fact, however, was the very reverse; but, be that as it might, he did not see, even then, how those who thought with the hon. and gallant Member, and had no confidence in the Government could do otherwise than vote for the Resolution. He went, however, a great deal further, and said, that there was nothing in the words of this Resolution to bind any government whatever. If this Resolution were passed, and the House could not confide in the Government to carry it into effect, of what use was the mere passing it? Would not the bold and manly course be for the hon. member for St. Alban's to say, "I call on the House to pass this Resolution; and then let us have a Government to whom we can confide the carrying of it into effect?" But laying out of view for the present, the general policy of the proceeding, he considered, that the Government of this country must be carried on in the manner that he would venture to describe. A Government must be formed of persons agreeing in principle with the majority of the House of Commons; and he thought it necessary to state, that the Members of the House of Commons had a right, if the Ministers of the Crown had not their confidence, to express their opinion to the Crown, and had a right to require that the Ministers of the Crown should be persons in whose character and principles they were disposed to confide; but, having secured that point, it would be consistent with all proper principles of Government, and with the wisdom of the Legislature, to leave to such Ministers the task of bringing forward their measures according to the principles which they approved of. If there were any use in having persons intrusted by the Crown with the conduct of public affairs, it was, that they might be able to consult and deliberate as to the best manner of carrying into effect whatever measures might be approved of by Parliament and by the Crown. Gentlemen asked what was the Government? He said, the Government was the Government of Earl Grey, and of his noble Friend, the Chancellor of the Exchequer. It was their Government, framed on the principle, that reform was necessary in the Church of Ireland,—a principle in which he believed the majority of this House concurred; and if that were the case, why, it was wise and prudent to leave to them the manner of carrying this reform into effect. With regard to measures of reform, he had always been anxious that they should be carried on peaceably; and he had always believed, that if the Crown, the House of Commons, and the people, agreed generally in the principle of the measures to be adopted, there would be no great difficulty in embodying these measures into laws. But if these powers were in opposition to each other,—if the House of Commons should say, "It will not satisfy us if these measures are carried as you, the Ministry, wish them to be, we look to more extensive measures of reform," such a course would lead to very dangerous results, and would prevent the carrying of reform by that peaceable working of the Constitution, which they all anxiously looked to for the accomplishment of these great ends. He was fully persuaded, that many hon. Gentlemen were too sensitive on this point, and that there must ultimately be a triumph of liberal opinions. Entertaining these sentiments, he was content, for one, to see that the march of liberal opinions was gradual and deliberate; and he certainly felt convinced, that if hon. Gentlemen would agree to the previous question, and not allow this resolution to be put, measures might be produced in the course of next Session, (they could not possibly be produced earlier) by which the question of the revenues of the Irish Church might be arranged in a manner satisfactory to the majority of that House, and to the country at large. If there were members of a Cabinet who disagreed with their colleagues on a matter of principle, those members acted in the most honourable and consistent manner, by tendering the resignation of their offices; but if the majority of the Cabinet recognized a particular principle, and were determined to adopt measures to carry that principle into operation, it would be most unadvisable, most premature, to bring forward a mere abstract question, which, after all, if Parliament should be dissolved, would decide nothing as to the future course of proceeding.

Mr. *Stanley*.*—There are very many considerations, private as well as public, which will at once suggest themselves to the good feeling of the House, which would render me most anxious to avoid entering into any lengthened or elaborate discussion of the principle involved in this debate. It is impossible for any man to have quitted, without feelings of the deepest regret, colleagues, with whom he had acted in one uniform spirit of kindly feelings—colleagues among whom, during the whole time that they sat together in the Cabinet, there was never heard an angry word, or an unpleasant expression towards one another — colleagues, with whom, on all great principles connected with our domestic and foreign policy, it was equally a pleasure to act, and a duty to co-operate. Deeply did I regret it, when I could no longer conceal from myself, that the time was come which left no alternative for an honest and honourable man, when a difference of no personal nature, mixed with no feeling of unkindness, or want of, I may say, affectionate regard, but an important and vital difference in principle, compelled the separation of a Cabinet who entertained for each other feelings of political attachment and of private friendship; and whose private friendship, I will say with confidence, has not been broken in upon by their present political difference. If I came down to the House with these feelings, I cannot but entertain them the more strongly after the kind expressions which have been made use of by my two noble friends who preceded me. It was apparent to me, that his Majesty's Ministers were about to enter on a course of proceeding which I could not conscientiously enter on with them; and feeling that, if I entered on this course unconscientiously, I should do so dishonourably to myself, and injuriously to the public service, I had no alternative but that of tendering my resignation. The circumstances by which I am now surrounded deprive me of the means, if it were necessary, of entering into a detail of the various proceedings which have led to this separation. I have not yet been honoured with an audience of my Sovereign for the purpose of resigning into his hands the seals of office which he did me the honour to commit to me; and at which I might ask permission, if I felt it necessary to my own honour and character, to offer a full explanation to Parliament and the country, who have a right to be satisfied that public men do not on light grounds abandon the public duties which have been imposed on them,—but the speech of my noble friend, (the Chancellor of the Exchequer) has made such an explanation a work of supererogation. I differ with the hon. member for Middlesex, when he says, that, in the course which has been pursued, there does not appear to be any great difference in principle between those individuals who remain in, and those who have retired from office. The commission which has been issued since I ceased to have the honour of a seat in the Cabinet, involves a principle which, either in or out of office, on every occasion, and in every place, I have felt it my bounden duty to oppose. It involves a principle which I conceive to be destructive of the very existence of an Established Church,—a principle which would leave the clergy of the Establishment in each individual parish dependent on the temporary and fluctuating proportions of the religious community. The hon. Gentleman has told you, that we have issued commissions and inquiries on various matters connected with the Church, and that they have been followed up by practical measures. I agree with him, that we have sent commission after commission, and inquiry after inquiry, and that we have adopted measure after measure; but they have all had reference to one object, and to one object only,—to remove real causes of grievance,—to remedy real defects in the constitution of the Church,—to make the Church what she ought to be, more attractive, more pure, and more strengthened, by removing those blemishes which disgusted her friends, and encouraged her adversaries to attack her. I believe that, on all these occasions, the principle, that you have a right to deal with the property of the Church, has been studiously, I hope not dishonestly, left open by the Cabinet, for future consideration. The time for its consideration seems now to have been forced on by circumstances over which the Cabinet had no control. The question is now broadly at issue; and whether I take the Resolution of the hon. Gentleman, or the Amendment of my noble friend, coupled with the declaration which I regretted to hear him make, the same principle is involved, the same admission is made by this Government which would never have been made by the late Government, that you are at liberty to deal with the property of the Church for other than Protestant Church purposes, and that, even should you admit, that it is requisite there should be a Protestant clergyman resident in every parish throughout Ireland, you pledge yourselves to degrade that clergyman, by making him the stipendiary of the State. To this principle I cannot consent—I cannot submit to see the Protestant clergy, in this Protestant country, placed upon a footing of entire equality with the clergy of all other sects and persuasions. I hold the very essence of the principles of an Established Church to be, that you shall furnish to every member of that Church, whether they reside in a densely-populated district, or whether they be thinly scattered, that which, by God's blessing, we will preserve to them—the celebration of the worship of Almighty God, according to the rites and practice of the favoured religion, free of any payment whatever. I am not willing to see the time when the Minister of the Crown shall come down to this House, and, in moving the clergy estimates, congratulate the House, that the diminution of Protestantism in fifty parishes in Ireland has enabled him to take off 5,000*l.* from the estimates of the year. I know, Sir, that if you act upon such a principle, it will be destructive of the utility—and I may add—of the permanency of the Established Church. I believe, that it will be subversive of the reverence hitherto paid its ministers; and I know that, in certain parts of Ireland, it will be accompanied by fatal steps to render the number of Protestants so small as to justify a proportionate diminution of the grant to the Protestant clergy. I know that, even in the present state of things, the tide of Protestant emigration is flowing out from many parts of Ireland in a deep, a full, and a rapid current. I will not introduce any further incitement of violence in that country, by saying publicly, and with authority to its people—"Diminish the number of Protestants in your parishes, for, by so doing, you will diminish the burthens which press most heavily upon you." This doctrine of proportion is pregnant with danger, as applied to Ireland; and, if once admitted, is certain to be applied to England. I ask you, Sir, upon what ground will any Minister who has done away with a Protestant living in Ireland, because the incumbent of it had a diminished flock, stand forward in this House hereafter, when a Dissenter—I care not of what denomination, Catholic or Protestant—comes forward and shows, by figures which cannot be contradicted, that, in this parish, and that parish, the Protestant congregation belonging to the Established Church is a small minority, and ought not to be an incumbrance upon the finances of the State. But, before you admit this dangerous doctrine, tell me, if you can, where—when admitted—it will stop? Before you call upon me, as a practical statesman, to admit this your novel, and, as I think, dangerous doctrine, —tell me that you can stop its application when and where you will. Admit this doctrine of proportion—admit, that where you have only ten Protestants of the Established Church in a parish, you have a right to take away the Protestant minister; and then tell me why you have not the same right where there are only twenty, or fifty, or a hundred Protestants of the same persuasion? The hon. and learned member for Dublin said, on a former occasion, that where the fourth of a population of a parish did not belong to the Established Church, there he would take away the ministry of the Establishment. I believe that, since that time, the hon. and learned Gentleman has fallen to a tenth; but why may he not raise his proposition again to a fourth?—why may he not raise it to any proportion in which the Protestants do not form an absolute majority of the parishioners? If you once sanction this doctrine of proportion—if you once admit, that the religion of the majority in each parish is to be considered the religion of the State, and is to be supported with the State accordingly, then this country is no longer a Protestant country, but a country in which all religions, whether they be pure or impure (I mean nothing offensive to any man), are equal in the eye of the law and of the State. [Mr. *O'Connell*: Hear! Hear!] I thank the hon. and learned Gentleman for that cheer, and I appeal to the House and the country at once,—"Are you prepared, in the face of Parliament, and in the face of the country, to say, that it is an indifferent point, whether you support a Protestant or Catholic establishment?" If I might venture for a moment to act on behalf of the hon. colleagues from whom I have so recently separated, I would return the hon. Member thanks on behalf of the Government; for he has made clear and intelligible the principle on which I take my stand. Up to that point I contend you must go, if you go up to this—if you leave the question of Church abuses, and begin to tamper with the Church property, you must come at last to this conclusion—that all religions ought to be placed on the same footing. Now, I tell the House, boldly and distinctly, that the people of England are not ripe for that; and when I say, that the people of England are not ripe for that, let me call upon you to pause before you assent to a Resolution which you cannot, which you ought not, which the people of England will not let you, carry into effect. I did not think, that I should ever live to hear a Minister of the Crown propose such a Resolution—I do not think that I yet see the Legislature that will pass it—and I am not certain that I know the Sovereign who will assent to it. I have honestly and conscientiously gone the full length to which I am prepared to go in reforming the abuses of the Church. I say the abuses of the Church, for I admit, that there are questions regarding pluralities — regarding non-residence—regarding the internal discipline of the Church — regarding its purification and amendment — regarding the increased respectability of its ministers — and, even to a certain extent, regarding the better distribution of its revenues for Church purposes, to which we are bound to give immediate attention. But the question of the appropriation of the property of the Church to any other but Church purposes involves principles to which I, for one, will never give my assent. The hon. member for Middlesex says, that the House sanctioned this principle, when it sanctioned the 147th clause of the Irish Church Temporalities Bill,

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* From the corrected edition, published by Hatchard.

I admit, that many Gentlemen did adopt the same view of it which the hon. member for Middlesex now takes; but I think, that the hon. Member will admit to me, in return, that the ground upon which that clause was originally moved was this—that it contemplated the appropriation, not of any property belonging to the Church, but of a new species of property created under that Bill. The property which the clause dealt with does not belong, and never did belong, to the Church; but having been created by the State, it was argued that it was applicable to the purposes of the State. The House, however, did not acquiesce in that distinction,—the House considered it as the property of the Church; and then we felt it to be our duty, when the clause was considered as a question of the appropriation of the Church property, to press upon the House (and we pressed it upon the House successfully) the propriety of abandoning a clause which had been apprehended in a sense very different from that in which we, its framers, apprehended it. I am not aware that, either in my own vindication, or in explanation of the view which I have taken of this case, it is necessary for me to trespass further on the indulgence of the House. I trust, however, that the House will bear with me whilst I remark that the amended Motion of the hon. member for St. Alban's contains a conclusion not very accurate in point of logic. The hon. Member takes one principle, to which I may or may not assent; and then derives from it a conclusion to which I never can assent. He first says, that "it is the right of the State to regulate the distribution of Church property in such manner as Parliament may determine;" and then he assumes, that it is expedient that the temporal possessions of the Church of Ireland, as now established by law, should be reduced," that is, in other words, "because as a sacred trust, you have a right to superintend the property which has long furnished the means of supporting the ministers of that form of worship which you believe to be true, and which you are bound to maintain by the Act of Union between the two countries,—because you admit the right of the State to regulate the distribution of Church property among the members of the Church,—therefore, I call upon you to reduce—to appropriate—that is, to confiscate, that property—to apply it to the purposes of charity, to the purposes of education, to any other purpose you please,—therefore I call upon you to put 125,000*l.* a-year into the pockets of those who now pay that amount in tithe, as it will conduce more to the tranquillity of the country, than paying it over to the ministers of a religion not supported by the majority of the people." Now, I beg leave to tell the hon. Member, that I dissent entirely from his Resolution, and that, if I were to follow the bent of my own inclination, and if the forms of the House allowed me, I should meet it with a direct negative. Under circumstances somewhat different from those in which we are now placed, I was prepared to agree to the previous question, upon this Resolution. I may, therefore, perhaps, be asked, how is it that I am not satisfied, when I find my late colleagues now prepared to move the same Amendment on the original Motion? My answer is, that their Amendment is now accompanied by conditions which render it more unpalatable to me than when it was originally proposed to me to support it, and which do not render it a whit more satisfactory to the hon. member for St. Alban's. What, then, is the practical line pointed out to me by reason and prudence? In concert with no man except those noble and hon. friends who have acted with me upon this occasion, and without whose consent and concurrence I have taken no single step in this matter—pursuing the course which my own sense of honour and public duty points out to me—desirous of cautioning the House not to assent to an abstract resolution of this nature, without knowing at what time, by what means, and by what men, it is to be carried into effect—desirous, also, of not involving Ireland and England, by assenting to it, in a formidable state of confusion in the interval between the present and the next Session of Parliament—prepared on my own behalf, to put a decided negative upon it, yet prevented doing so by the reasons which I have already stated—anxious not to draw down upon myself and upon those who have on this occasion acted with me, the responsibility of endangering, by taking a different course from that marked out by the Government, the passing of a Resolution which they, though from different motives, seem equally to deprecate—while I declare my firm adhesion to the principles upon which

I entered office—for which I quitted office (and in quitting office I made no sacrifice, if I did not sacrifice the esteem and regard of my friends; and whatever reputation I may have acquired for honesty and integrity in public affairs)—desirous, I repeat, of not seeing this Resolution carried into effect,—and confident that, without danger to both countries, it cannot be carried into effect,—still, under all the circumstances of the case, much doubting and much reflecting upon them all, I am compelled to agree to the Amendment of my noble friend. I acquiesce in the previous question. I thank the House once more for the patience with which it has listened to me. If, in the trying circumstances in which I have been placed, I have expressed myself strongly, it has been owing to my feeling strongly the importance of the present occasion. In doing so, I hope that I have not expressed myself in a manner to hurt the feelings of colleagues from whom I part, with no sentiments save those of regard, and regret that our opinions on this great question no longer permit us to tread together the same path of public duty.

Mr. *Spring Rice* could not help thinking, that his right hon. friend had introduced into the speech which he had just concluded many topics which, though of the greatest importance in themselves, were not immediately applicable to the question before the House. As to the last observation of his right hon. friend, it was quite unnecessary, for with the exception of a single phrase there was not a word upon which he, or any other of the right hon. Gentleman's colleagues, had any reason to offer a remark. The phrase to which this observation applied was that in which his right hon. friend had stated that he was addressing the House in his own vindication. His right hon. friend required no vindication. There was not an individual of any party who was not ready to admit, that his right hon. friend had acted on this, as on every other occasion, from the purest impulses of patriotism. He trusted, that his right hon. friend would admit to others, that if they had concurred with him in general principles, they would also have concurred with him in their course of action. In what, then, he would ask, did the difference of opinion between his right hon. friend and himself consist? It consisted in this—that according to the doctrines of his right hon. friend, be the revenues of the Church of Ireland ever so great, be they the source of incumbrance or even of mischief to the Church of Ireland, still, by reason of circumstances extrinsic to that Church, the Parliament was bound to continue for ever that, which by the hypothesis was an incumbrance and a mischief, and to withhold that remedy which by the same hypothesis would be most beneficial. His right hon. friend said, that the principles of his Majesty's Government involved the destruction of the Protestant Establishment of the Church of Ireland. If he could bring himself to adopt that position, his course would be perfectly clear, and very different from that which he now intended to follow. He was by education and feeling, and on conviction, attached to the Church of England, and he would never consent either in that House or elsewhere, to any measure calculated to endanger it. But if the question were put in this way to him—if it were proved to his satisfaction that the wealth now enjoyed by the Protestant Church in Ireland was more than adequate for the purposes to which it was originally devoted—if he saw in the possession of that wealth, not a principle of safety, but a principle of danger, then he would consent to consider the question how that excess of wealth could be best disposed of, as much for the sake of the Protestant Church itself, as for the sake of the other interests of the nation. Again, his right hon. friend had compared the state of the Protestant Church in Ireland, with the state of the Protestant Church in England. Now there was a great and obvious distinction between the conditions of the two Churches; and it did not follow, because this step was taken with respect to the Church of Ireland, that a similar step was to be adopted with respect to the Church of England. Were not, he would ask, the circumstances of the two Churches quite dissimilar? His right hon. friend knew, that in all essential points they were. If ever danger should betide the Church of England, it would arise from acting on the principle—that the Legislature could not apply a remedy to the abuses of the church of Ireland, without leading to the application of a similar measure to the abuses of the

Church of England. He recollected well, that when his right hon. friend, the member for the University of Cambridge first introduced his Tithe Commutation Bill into that House, it was objected to by certain partisans of the Church of England, until words were inserted in the preamble of the Bill, distinguishing the case of the two Churches. But what became of the analogy discovered by his right hon. friend in the case of the Irish Church Temporalities Bill? Was the House prepared, because by that Bill it had abolished ten bishoprics in Ireland, to abolish even a single bishopric in England? Was it right, then, after the example set in that Bill, to say, that the House could not apply any remedy to the abuses of the Church of Ireland without applying a similar remedy to the Church of England? In the commission which was now about to issue, the House had an assurance, that if there were shown to be an excess of wealth in the possession of the Church of Ireland above the purposes for which that Church was bound to provide, it would be competent to Parliament to discuss the mode in which that excess should be applied. He had heard much about the mode of appropriating the Church property; but that was not the question at present. The question was as to asserting the right of Parliament to deal with that surplus, if any surplus should be proved to exist above the necessary purposes of the Church. Beyond that he would not yield a single point. Suppose, for the sake of argument, that it were to be stated that every incumbent in England received only 263*l.* a-year, and that every incumbent in Ireland received a much larger sum, would any man say, that that was a state of things which that House either could or ought to defend? It was upon these grounds that he, seeing that the commission which was about to issue involved the principle of the Resolution moved by the hon. member for St. Alban's, in case the evidence to be collected proved a surplus of wealth in the Church of Ireland—keeping his mind open as to the mode in which the appropriation of that property was hereafter to be made—but admitting at the very outset that, if there were a surplus, there was no objection on the part of Ministers, supported by Parliament, to deal with it. It was upon these grounds, he repeated, that he maintained, that this commission would give to the House and to the country all that hon. Gentlemen had a right to expect. Take either the Resolution or the commission, but let the House not insist on taking both, for the combination of the two was one of the greatest absurdities that could be perpetrated. Was the House determined to decide first and to examine afterwards? Was it because this was an Irish subject, that the House was determined to act in so Irish a manner? His right hon. friend had stated, that his objection was to the doctrine of numbers; but had his noble friend (the Chancellor of the Exchequer) laid down the doctrine of numbers, to which his right hon. friend had objected? or had he laid down any principle of the kind? It was not, he was sure, for the interest of the Church of England to fight its battle, if battle it must fight, upon the indefensible grounds which had been taken up for it by some of its friends that evening—it was by reducing the abuses of the Church of Ireland, that the security of both would be best established. To keep the two separate and to carry Church Reform into Ireland was indispensable for the safety of the Church of England.

Mr. *Ewart* said, he understood the Government objected to adopt as an isolated Resolution the Motion of his hon. friend the member for St. Alban's; yet they approved of it as far as regarded the end proposed. Why, then, did they not embody it in their own resolutions? All their speeches had been favourable to it. It was perfectly practicable for them to carry their commission for inquiry, and yet to assign at the same time the view with which they carried it. He (Mr. Ewart) must be excused if, with every respect for the right hon. member for South Lancashire, (Mr. Stanley), he differed from him when he vindicated the maintenance of a predominant Church. The reasons which the right hon. Member urged were the very same reasons which in former times had been urged in favour of papal ascendancy. They differed only in degree. When he heard such doctrines, he must say, that "New Protestant was but Old Priest writ large." He was sorry, too, to hear his right hon. friend (Mr. Spring Rice) advocate the course adopted by the Ministry merely because he considered it as supporting an establishment. In his view, the question was not merely a Protestant question, it was a national question. He must, with every respect to the feelings of hon. Members, express his fears that many of them supported the predominance of the Church from an idea of its connexion with the aristocracy. He confessed his sincere belief, that in this and in other matters our system was even dangerously aristocratical, and he was convinced that it was the duty of Parliament gradually to unaristocratize that system to which religion should never be made subservient. Again he called upon the Ministry to say why they could not combine the principle of his hon. friend the member for St. Alban's with their inquiry. Let them state at once the means they proposed, and the end they had in view. They would thus unite the opinions of both sides, and make no sacrifice of consistency themselves.

Mr. *Lambert* hoped, that the House would permit him to explain very briefly the reasons which induced him to support the Motion of the hon. member for St. Alban's. In the first place, he would ask any Gentleman who on Tuesday last was prepared to vote for that Motion, what had occurred since then, to justify him in withdrawing his support from it? It was true, that in the interim a part of the Cabinet had separated from it; but it was evident that in the Cabinet, as it now existed, there were still some influential Members opposed to this question of appropriation. From what had recently occurred, it appeared to him that a difference of opinion on this subject had long existed in the Cabinet, and that it had been suppressed by mutual agreement. How did the House know, that this difference of opinion did not still continue in opposition to the wishes and to the interests of the country? It appeared to him that this subject divided itself into two distinct branches; first, there was the question as to the principle of appropriation; and next, there was the question as to the amount of property to be appropriated. Now, the question as to the principle of appropriation stood by itself. Place that principle upon record beyond the power of revocation, and then proceed to inquire into the amount of revenues to be appropriated. A commission issuing from the Crown might be revoked, but a Resolution of that House affirming the principle of appropriation could not be revoked. It would stand on the journals—it would bind a future House of Commons—it would control any future Administration [" *No, no.*"]. In spite of that cry, he contended that it would have that effect, for with the sense of the country ascertained upon the point, and with this Resolution recorded on the journals, he would not say, that it would be impossible, but he would say, that it would be dangerous, for any ministry to act in opposition to a sentiment so recorded. He hoped, that in what he was next going to utter he should not be guilty of any irregularity, but there had appeared since the debate of Tuesday night, and the significant adjournment which had then taken place, an uncontradicted statement of the opinions held by the first individual in the State. He should like to know who was the responsible adviser for, and who was the reporter of that answer? He gathered from that answer, whether it were true or apocryphal—and hitherto it had not been contradicted—an additional reason for pressing this Motion to a division. He could not bring himself to believe that there did not at this moment exist a dissension in the Cabinet. If there were not such a dissension, why did not the Government come boldly forward and say—" We sanction the principle of this Resolution, and will appoint a Commission to ascertain the amount of the revenues to be appropriated ?" The Government, however, must understand that this question could not be permitted to sleep. The times required a bold policy, which would meet the eye of the day. " We know, at present," said the hon. Member, " what we have lost in talent and respectability. I ask what have we gained? We all know our loss, and the loss of the Cabinet. I fear, that before long we shall both experience it fatally. If we stop short now, if we vote for the previous question, we shall do that which we might have done last Tuesday, without having incurred this loss. Let us then meet the question boldly, and recognise the principle we contend for—a principle which I venture to assure his Majesty's Ministers will find press upon them at every instant at every stage of the tithe question, now in progress through this House. On Tuesday night a divided Cabinet was to have met the Motion of my hon. friend by the previous question; we are told the Cabinet is now unanimous, and yet the same course is pursued. Shall we, then, hesitate to do that now which it is evident we shall be compelled to do hereafter." The present question, was too important the hon. Member contended, to lie dormant—it ought to be decided at once, for there was no occasion for an inquiry. The sense of the country and the House was fixed on this subject, and the general wish could not be much longer postponed. For the reasons given he should support the Motion of the hon. member for St. Alban's, which established the principle of the control of the Legislature in this matter. That principle being established, an inquiry, such as that proposed by the noble Lord might afford satisfaction. He was convinced that the course referred to was the best that could be adopted with a view to satisfy the country, strengthen our institutions and promote the stability of the Crown.

Mr. *O'Connell* could not agree with the hon. Gentleman who had just sat down, that the noble Lord's commission of inquiry would give any satisfaction, under whatever circumstances; and he warned Ministers against being led away by the delusion, that this commission would do any thing for them. We had a commission of corporate inquiry last year; and what good did it do? How much nearer were we to obtaining relief from the grievance of corporate abuses? A commission was a mere pretence—a wet blanket to stifle what the country required, and what Ministers, if they had sufficient determination and manliness, would give,—he meant satisfaction to Ireland and security to England; for, unless satisfaction were afforded to Ireland, blessed be God! there could not be any security for England. His object in pressing this subject on the attention of Ministers was solely with a view to give satisfaction to Ireland. He had a plan of his own for giving satisfaction in this matter, but he did not now press it on Ministers or the House; and why?—because he wished to urge the noble Lord opposite to come forward and proceed with a satisfactory plan himself. Let the noble Lord do so, let Ministers adopt that course, and take Ireland out of the hands of agitators, as they termed him and his friends. If Gentlemen thought that there was no real grievance, that all alleged evils were mere poetry and the imagination of public men, it would not be hard to satisfy the demands of the Irish people; but if grievances actually existed — real and substantial grievances—was it too much to ask for their redress? If Ministers were determined not to redress those grievances—if they were resolved to continue that most degrading of all conditions, in which the mass of the people were obliged to contribute to the wealth and splendour of a Church from which they conscientiously dissented, and which repaid them with insult for their tribute—if that were the intention of Ministers, let them take a bold and manly course, and call back the right hon. Gentleman (Mr. Stanley) to the situation which he had just relinquished. The right hon. Gentleman told the House his principles frankly and boldly, and said, that there must be a Protestant Church Establishment in Ireland; no matter how few the Protestant congregations and hearers, that Church must exist for the sake of maintaining the purity of Protestantism; it was, therefore, consistent in the right hon. Gentleman to act as he did. But what became of the consistency of the right hon. Gentleman's late colleagues? He laughed to scorn the right hon. Gentleman's doctrine, and told him, that his principle had been tried in Ireland for 200 years without effect. It commenced in blood and rapine and plunder—it was continued with the like consequences, and had perpetuated heart-burnings and injustice down to the present hour. The right hon. Gentleman was for supporting a state religion which was not the religion of the people; he was for maintaining the old principle, the purity of Protestantism. If the right hon. Gentleman held fast by ancient principles, why went he not back to Popery at once, and why not give back to the Carthusians, Benedictines, Dominicans, and Franciscans, that property which was originally theirs, but which the right hon. Gentleman now insisted on having appropriated for the sake of the small number of Protestants in Ireland? But nevertheless, and notwithstanding the absurdity of his doctrine, the right hon. Gentleman was consistent; he had gone out of office on principle, and Ministers had remained in office on principle; but the right hon. Gentleman differed from his late colleagues in this respect, that he now openly and boldly asserted his principle, while they did not venture to maintain theirs. The right hon. Gentleman, he repeated, had asserted the principle upon which he went out of office; why did not Ministers assert the principle on which they remained in? Why, instead of publicly professing and acting on their principles, did they resort to an armed neutrality? Why talk of a commission of inquiry, the result of which they might have half a century hence? Why not affirm the principle which they professed, or were supposed to entertain, and act upon it at once? The commission was to investigate the revenues of the Protestant Church, and to inquire into how many Protestants there might be in each parish in Ireland; not only how many Protestants, but also to examine the segments into which Protestantism was divided, and ascertain how many were to be allotted to John Calvin, how many to Martin Luther, and what number to John Wesley? Were the Commissioners to take people's adherence to the 39 Articles into consideration? Was there also to be a crusade of that kind? If any one said, "I can only sign 38 of the articles," was he to be distinguished from the more completely orthodox, and were there to be 38-article men, as well as 39-article people? Were the Commissioners to inquire into the numbers of the Roman Catholics? He for one was content that they should—he was willing to have that inquiry, because he believed, that the Catholics would be found to be pretty much as they were represented to be. Were the Commissioners to go to the police force and count the numbers, and see that the same men should not be estimated twice—told off in Cork, and then again in another Kilkenny? Were they to examine the present state of the population, to ascertain the number of births since the last return, to investigate the obituaries, to go on canvassing all people, and looking into all subjects, in this vague and interminable way? Why, such a system of inquiry would prove a Penelope's web; there would be no end to it. Fever or cholera might make a serious difference in the proportion of Protestantism in a parish, and fresh inquiries would be constantly demanded. This was the unsatisfactory commission which was now offered to Ireland, instead of a full and healing measure; and yet, even about this paltry commission, gentlemen could not agree, because it seemed to promise something, however remote or incomplete, for that unhappy country. "Oh, how unanimous you were," exclaimed the hon. Member, "when you were coercing Ireland! there was then no difference in the Cabinet! you inflicted court-martials upon Ireland without hesitation or dispute! When you were about to coerce Ireland, you were perfectly unanimous, but now, in the work of conciliation, you are for the first time divided!" Those who had separated themselves from Ministers on this occasion, had at least acted an open and manly part; not so those who remained in the Cabinet. And with respect to them, he would say, "You shrink from affirming what is or ought to be your own principle; you offer us a nugatory and deceptive commission; you throw this tortoise-shell over yourselves in order that you may have a chance of creeping at a snail's pace out of the difficulty." What was the situation of Ireland in reference to the Protestant Church? Arrears of tithes were due to the Protestant clergy, and also to lay impropriators, to a considerable extent. Were the Commissioners to ascertain the amount of tithes in every parish, or would Government stand on the old valuation? In eight, out of ten parishes, the valuation was complete. Were the arrears due to the clergy and lay impropriators to be first levied on the country, and then were the police and military to be sent out to collect the new Land-tax? What would be the result of all this? He did not like to dwell on the subject. Meanwhile, however, we were to have a commission to ascertain something or other—when we were like to have a winter of blood and a spring of more coercion. This was not a question between two sections of the Cabinet; it was a much higher question—a question of conciliation towards Ireland. That country was never more ready and willing to be conciliated than at present. But how? By fair words and promises? No; but by acts. Give us acts and deeds, adopt a decided and satisfactory course in relation to this subject; and then you would conciliate Ireland. You had now a favourable opportunity—the Irish Tithe Bill was before the House; it contained the principle of appropriation. You were willing to give up that. Give us a proper and satisfactory recognition of the principle. The hon. member for Donegal quoted the hon. Baronet, the member for Oxford University, with respect to "the expansive nature of Protestantism." If the observation applied to Ireland, it ought to have been "the 'expensive' nature of Protestantism." What he asked for was to introduce appropriation as a clear and distinct principle of the measure before the House. He had said, that the principle should be acted on in parishes where the proportion of Protestants was less than one-fourth of the population. The right hon. Gentleman opposite erroneously attributed to him "one-fifth" as the proportion which he had referred to. He might have said in private conversation, that there was not one-tenth of the population Protestant in parishes with which he was acquainted—in Kerry, for instance. He asked, in the name of common justice and common sense, whether, under such circumstances, the present system ought to be supported? ["*Hear, hear.*"] That cheer said, "No;" it implied, that it ought not to be kept up; why not put what appeared to be the sense of the Government and the House upon record, by acceding to the Motion of the hon. member for St. Alban's, to whom both England and Ireland were indebted for bringing it forward? The character of Ministers was of importance; it was, or ought to be, precious to Ireland—that character it was their duty to maintain and elevate; but how could they do so when they hesitated to put boldly on record their acquiescence in the principle of appropriation, thereby showing that they were worthy of their trust and true to themselves, by openly maintaining what they at present merely affected or pretended to think? It was in their power to make the important declaration—Ireland looked to the Ministers with anxiety. The House had told the Sovereign, that you were ready to redress the evils of Ireland; by an overwhelming majority you had recently negatived that plan of redress to which Ireland was and would be attached, and from which it could not be detached, unless by satisfactory concessions, such as were now demanded. It, therefore, behoved the House and the Government to do justice upon the present occasion. When the people of Ireland read this Debate, and saw that, instead of embracing the great principle of appropriation, it merely related to little personal matters,—and when they saw the Ministerial majority against the professed principle of the minority,—a majority swelled by the late Secretary for the Colonies and by others, whose support was the result of a cunning and equivocal friendship,—would not the people feel great disappointment and indignation, and would not they mock him to scorn if he were to give Ministers his confidence? Would they not say, and with apparent justice, our supposed friends and advocates are either miserably deluded, or else they are wretched deluders." Might they not, with equal justice, say, "There are plans of self-aggrandizement to be accomplished; situations of power and emolument to be obtained; personal and interested objects to be effected; and those who have talked about the evils of Ireland, and of the necessity of a domestic Legislature, are truckling to the Government with private views, and endeavouring to promote their own interests at the expense of their country." Suppose this result to be brought about, in what degree would it benefit Ministers? Perhaps they might get another set of agitators in the place of the present—they might get worse. He would tell them that; and they might do worse, even if they could succeed in ruining the character of men whom he now told the Government they could not purchase, and whom he did not wish to suppose that Ministers were weak enough to attempt to deter from their duty. England had tried with Scotland the game she was now playing in Ireland. How often did the walls of that House echo with declarations of an intention to establish firmly, and maintain unshaken, the system of episcopacy in Scotland! How often did majorities express their scorn at the idea of allowing the Scotch to throw off the surplice, and reject the orders and regulations of the Established Church! But, nevertheless, the Ministers of that day were defeated by the good broadswords of the Scotch. For fifty years, England persecuted a people which conscientiously differed from it on points of doctrine and discipline; but all the attempts to establish episcopacy in Scotland failed. Was a different result to be expected in Ireland n the present day? Was Ireland a Protestant country?—No. It was not by the Government calling Ireland a Protestant country that it could be rendered so, but only by the people becoming Protestant. Did Ministers want a commission of inquiry to show the enormous majority of Catholics in Ireland? Did they want such an inquiry as to the fact of the small minority which the Protestants of that country constituted? He put it to the right hon. Gentleman opposite, whether he entertained any doubt on the subject? If so, let the right hon. Gentleman go to the parishes of Loughlin and Shanagolden, in which he was a considerable proprietor, and see the relative numbers of Catholics and Protestants; the right hon. Gentleman could not want any inquiry for that purpose. It was idle to talk of a commission of inquiry. If the House first established the principle of appropriation, it might afterwards proceed to work out the details by means of a commission, but no preliminary inquiry was wanted. The right hon. Gentleman (Mr. Stanley) said, "If you send out a commission, the White Boys may soon change the relative proportion of Protestants and Catholics in certain parishes." It was possible, that such a thing might happen, but he hoped and believed that it was not likely. He could refer the right hon. Gentleman to a county which had been desolated of its Catholic inhabitants at a former period. Undoubtedly, the principle was a dreadful one, and might be mischievously exercised both against Catholics and Protestants. No man could deprecate any thing of the kind more than himself. But it would be easy to obviate any risk of that kind, if a date already passed were selected for estimating the relative proportions of Catholics and Protestants—the 1st of March, for instance, might be the day fixed, and thus we should get over that danger at least. But was there no other evil to be dreaded? Did not the great mischief and evil in Ireland consist in the dissensions existing between Catholics and Protestants? The House had that night heard sentiments of self-gratulation expressed on the part of the Protestants, at the prospect of the Church being upheld in Ireland; what would be the feelings of the Catholics? See the wretched absurdity and mischief created by your dominant Church in Ireland! The law gave the Protestants a superiority in that country, and, because they possessed a legal superiority, they were induced to imagine that they also possessed a physical and moral superiority. Was this fallacious idea to be encouraged? Were the people of Ireland to be set against each other for the maintenance of the principle of pure Protestantism? Was this gross injustice to be committed? Government and the Legislature were arrived at a period when they might do much good by proceeding boldly and actively; but the method now proposed to be adopted was a mere mockery, and could not be attended with any successful result. Gentlemen opposite must themselves admit, that if we did not first establish the principle of appropriation, the Government commission would be neither more nor less than a rambling proclamation to array the Protestants and Catholics in every parish in Ireland against each other. It would excite party processions, irritating distinctions, and meetings. Then would come the daily riot, the evening collision, and the midnight murder! It would be disseminating in Ireland an additional motive to excitement—another cause of dissension. They had tried the principle of pure Protestantism in Ireland for 200 years; the experiment had failed; let it be abandoned. The people of Ireland were now anxious to fall into the arms of this country—to join the ranks of Government. They desired to see a strong and effective minority working out the great principles of the Reform Bill, with energy and sincerity; they desired so to strengthen the hands of the Administration, as not to allow the possibility of parties in any quarter, either in the vicinity of that House or elsewhere, resisting the King's Government with a prospect of success. Ireland was ready to assist in that work; but Ireland would not accept chaff for wholesome food. She required more than words and promises,—she demanded acts and deeds that did not admit of ambiguity or mistake. Think not to satisfy hungry Ireland by talking of roast beef, or to assuage her thirst with a drinking song; she required something real and substantial, and would laugh to scorn all empty promises and professions. Ireland would despise the commission of inquiry, when Ministers pledged themselves to nothing, except to a quarrel with the late Secretary for the Colonies. Nobody could more respect the sincerity, manliness, and integrity, of that right hon. Gentleman than himself; but, at the same time, he thought the right hon. Gentleman's policy the very worst that could have been adopted with respect to Ireland. The right hon. Gentleman had swamped the Ministry; from the first, he was its evil genius,—a calamity to the Cabinet; but his honour and principles were undoubted: high in the powers of his genius, and firm in the assertion of principle, the right hon. Gentleman could lay claim to the merit of consistency. He was ready to do the right hon. Gentleman full justice; but everybody was aware how much mischief he had done the Government. However, the Cabinet had parted with the right hon. Gentleman on good terms, and reckoned upon his future support. A very pathetic scene followed, worthy of a novelist's pen; but, although the right hon. Gentleman seemed to weep a little at parting with his late colleagues, he soon resumed his wonted air, and proved his rigid and unbending adherence to his own principles. He called upon Ministers and the House to adopt the same lion part: they had under their protection every sect; and if they began with an equitable principle in Ireland, they would shortly be enabled to do more justice to England. Do this act of justice to Ireland, and they would soon be able to reduce the Pension List and repeal the Septennial Act. When Gentlemen once felt the sweets and advantages of popularity, they would be led on from good to better. Let them, then, begin with Ireland in this instance. He had indulged in some appearance of hilarity; but his mind sunk when he considered the hopeless and irreparable loss which Gentlemen, sitting on the Ministerial bench, had experienced. They could not get back the right hon. Gentleman (Mr. Stanley) if they wished —that was out of the question. They had cut the bridge behind them—there was no retreating. Then go forward. They heard the cheer of Tuesday at the noble Lord's announcement; they would hear that cheer again, if they were to embrace the principle of appropriation. Never was Ministry so strong as the present would be, if it would declare and work out that principle; but never was Ministry so weak, if they stopped short or hesitated. If they chose, they could be thus strong, and in no other quarter could there be any competition. If they now shrunk from their duty, they had had their warning, although from a quarter which they might distrust or despise. If Ireland had been happily separated by 300 leagues from England, then would not the blessings of God in the former country have been turned into the bitterest curses; then would not the Catholic people be compelled to support in splendour a Protestant Church. Gentlemen talked much of what had been done for the Irish by England since the period of the Union, but he could see no trace of any solid advantage conferred upon Ireland, with the exception of what had been reluctantly wrung from this country. "We now prostrate ourselves, (said the hon. and learned Gentleman), before you,—not in weakness, but in a spirit of voluntary humility and conciliation, and request justice at your hands. It is your duty to pacify Ireland. Show your Christian and charitable, as well as just feelings, by doing so. We confess ourselves in your power—we have no intention of revolt or resistance—we implore you for this boon—we ask you to pass the present resolution. Still more. Do you wish to strengthen the Administration?—support the resolution, support the friends of justice and liberality in the Cabinet; for it is not yet formed; no new writs having been moved for. You can not reclaim the right hon. Gentleman (Mr. Stanley); he is irrecoverably lost; but no one else is so pledged, not even the right hon. Baronet (Sir J. Graham), whose loss would be undoubtedly great, if he should finally relinquish a department into which he has introduced most important reforms." He called upon Gentlemen opposite to repudiate the proposition for the previous question; and asked how the right hon. Gentleman (Mr. Stanley), with his manliness and sincerity, could assent to a vote by which he affirmed the principle of appropriation, at least in some degree? It was hardly consistent with the right hon. Gentleman's character to meet the resolution of the hon. Member for St. Alban's in that manner. He had trespassed on the House at considerable length; and, if time allowed, would still proceed, but more in sorrow than in anger. Last week, he thought he had seen a streaking of the political horizon with a new and cheering light for his unhappy country; but he now found it to be a mere *ignis fatuus*—not the genial light which would shed lustre and happiness upon Ireland. The hon. and learned Member concluded:—"Do we ask you to persecute or injure our Protestant fellow-countrymen? God forbid! There is not a Protestant in the House who would be more anxious to resist any such proceeding than I am. All I ask is justice. Do this; and you will have all England and Scotland, and every thing valuable in Ireland, with you. We only wish to have that incubus shaken off which has long injured and insulted the Catholics. We talk not of superiority for ourselves, all we ask of you is, that in the construction of the Bill relative to the Irish Established Church, you will, at length, do that justice to Ireland which England obtained for herself, which Scotland extorted from you, and which Ireland, through my humble voice, now implores you to grant."

Mr. *Charles Grant* said, that it was not his intention to trespass at any length upon the patience of the House, or follow in detail the speech pronounced by the eloquent Gentleman who had just resumed his seat. However much he differed from that hon. and learned Gentleman in general on the subject of Ireland, he always heard him with sympathy and with a melancholy satisfaction, as a man who felt for his country, and as the eloquent representative of the wrongs which, in former times, Ireland had sustained. But the misfortune was, that the hon. Gentleman was equally eloquent with regard to Ireland, whether discussing measures of decided relief to that country, or complaining of measures of coercion. He was at a loss to see any argument in the hon. Gentleman's speech which tended to support the original resolution: for the hon. Member, although professing to be favourable to that resolution, was decidedly against issuing a commission, notwithstanding the hon. member for St. Alban's had said, that his first step upon the recognition of his resolution, must be the issuing of a commission. The hon. Member said, "Give us acts, not words," and yet he objected to an act so decided as the issuing of a commission. The hon. member for Wexford stated, that the resolution received his support, because it would be binding on any subsequent House of Commons; but that was an inadequate and fallacious ground of support; for, notwithstanding the resolution should be now agreed to, any future House would approach the question quite as freely and unfettered as the present. The hon. member for Dublin ought to produce some other plan which he could recommend, for all objections to his noble friend's commission applied as strongly to the resolution of the hon. member for St. Alban's, the object of which was also the appointment of a commission. He desired not to see any triumph of one party over another; it was to afford reasonable satisfaction to Ireland, with a view to the continuance of that union which he hoped would long cement the interests of the two countries, that he supported his noble friend's Motion. The hon. member for Wexford had asked what circumstances had occurred since Tuesday last, to induce the House to adopt the proposition now made to it by his Majesty's Government. Events had occurred since then fully sufficient in themselves to justify the adoption of such a line of conduct; and if he should only advert to the single circumstance of the able and eloquent speech which had been that night delivered by his right hon. friend the late Secretary for the Colonies, he would take his stand upon it, and he would say, that that speech alone entitled them to ask the House, under different circumstances than existed on Tuesday last, to adopt a different line of conduct. He thought, that every impartial man—that every man of common sense—would see, that the proposed appointment of the Commission rested upon intelligible grounds, and that the Government was fully justified in asking for the vote it did, under circumstances completely different from those that existed on Tuesday last. The hon. member for Wexford had also said, that divisions existed in the Cabinet on this important subject; and he had surmised, that this proposition was the fruit of such divisions. He could assure that hon. Member, that he was completely mistaken in such a supposition. He would venture to assure him, and to assure the House, that there were no divisions in the Cabinet on this subject. He could assure the House, and he trusted that the character of the members of the Cabinet, as men of honour and of honesty, at all events as men of common sense and common understanding, would be felt to fully bear him out in the assertion, that they would not have considered themselves justified in proposing the issuing of this Commission if, amongst the members of the Cabinet, there existed the slightest dissent upon such a vital measure. The hon. and learned member for Dublin had assailed the proposition of his Majesty's Government, as being calculated to get rid of the real merits of the question, and to divert the House from pronouncing an opinion upon it. He looked upon it as a plain and direct declaration by the Government of the line of policy which it was determined to pursue.

He would assert, in spite of the hon. and learned Gentleman, that no man in that House—that no man of common sense in the country—could mistake for a moment what that line of policy was. He could not but think, notwithstanding all that had been said by the hon. and learned Gentleman, that the warm feelings and the good sense of the Roman Catholics of Ireland would induce them to arrive at a different conclusion from the hon. and learned Gentleman with regard to the issuing of this Commission, and that, in spite of his denunciations, they would give credit to the Government for its intentions. In the issuing of the Commission he cordially and entirely concurred. He firmly believed, that it would constitute the most important step the Government had ever taken for the effectual conciliation of Ireland, and for cementing the union between the two countries. Without further detaining the House, he begged to repeat, that such a proposition had his cordial and entire concurrence.

Sir *Robert Peel* said, that at a period of such importance, and when events were passing calculated to excite in the public mind so much anxiety,—nay, so much dismay,—it was with deep regret that he found himself precluded on this occasion from taking any course that could be satisfactory to his own mind, or which could, he feared, be intelligible to the country at large. A Motion had been made by the hon. member for St. Alban's distinctly affirming two principles—first, that the temporal possessions of the Church of Ireland exceeded the spiritual wants of the Protestants of Ireland; and secondly, this new and important principle, that that House had a right to appropriate the temporal possessions of the Church of Ireland to purposes not necessarily connected with the interests of the Protestant Church. He wished to fight the battle on that principle. He was ready to declare his opinion on that subject. He wanted to state it—not as the hon. and learned Gentleman said, in a tone of offensive exultation, and not claiming superiority over any class of his fellow-subjects because he was a Member of the Church from which they dissented; but prepared to maintain, that the House was bound to preserve inviolate the Protestant establishment in Ireland as well as in England. He was ready to uphold and defend that principle. That was a subject he was prepared to discuss—on which he required no further evidence, being then determined to give to the proposition of the hon. member for St. Alban's his distinct and decided negative. But he did not therefore mean to imply, that he was contented with the present condition of the Established Church in Ireland. Two years ago, when a Committee was appointed on the subject of tithes, those who were connected with that Committee could bear testimony, that he (Sir Robert Peel) admitted himself ready to consider any measures calculated to correct any abuses that could be shown to exist in the ecclesiastical establishment of Ireland. He stated his opinion at that time, which still remained the same—that the period was come when they ought to consider whether or no measures might not be devised for appropriating a portion of the Church-property of Ireland, not to other than ecclesiastical objects, but so as to facilitate the propagation of divine truth, and extend the means of divine worship, by an improved distribution of the funds of the Church. He was ready to assert that principle now—he was ready to consider any reasonable proposition which had for its object, *bonâ fide*, the maintenance and extension of the Protestant Establishment, and the increase of the benefits attendant upon the reformed religion; and he was ready, at the same time, to give his decided negative to such a Motion as that of the hon. member for St. Alban's, which would sanction the appropriation of those funds to other than ecclesiastical purposes. But, instead of being permitted either to affirm or negative the main proposition, technical difficulties were interposed in his way which he could not surmount. He must give a vote; and, in whatever way he gave it, he must take a course which would not be satisfactory to himself. The noble Lord had, at the beginning of the evening, met the Motion by the previous question. The noble Lord had thus precluded the possibility of amending the Motion of the hon. member for St. Alban's, for the question to be proposed was, whether the main resolution should or should not be put. He deeply regretted, that such a course should have been adopted. He doubted whether a great majority even of the Members of the House would understand the purport of it; and he was quite sure, that out of this House ninety nine persons out of one hundred would not put the proper construction on the moving of the previous question. It would have been fair, and more consistent, on the part of Government, to have met the question at once with a simple ay or a simple no. There were three courses open to him for adoption. He might absent himself from the House, and give no vote at all upon the Motion of the noble Lord; but he would be thereby liable, should the main question be put without further debate, to lose the opportunity of giving his vote for negativing the proposition of the hon. member for St. Alban's. He must say, however, that to absent one'self from a division was not a very manly or straightforward course, and it was not one that he often adopted, for, in ordinary cases, it betrayed an inability to make up one's mind between the affirmative and negative on a question of public concern, and a wish to escape the difficulty by leaving the House. At the same time, he must admit, that sometimes that course was proper; and if ever there was a time when it would be justifiable, it was on an occasion like the present, when he found himself, by the course adopted by the noble Lord, precluded from expressing the strong opinion he felt by a vote on the main question. He found himself involved in this difficulty—that if he voted for the previous question, it might seem to imply that he gave his sanction to the measure which had been proposed by Government,—a measure of which he wholly disapproved. In voting against the previous question, he would seem to ally himself with the decided enemies of the Church, with those who professed a wish to spoliate her, and he should swell their ranks on a division. That course would be neither satisfactory to himself, nor intelligible to the public. If, upon the whole, he should resolve to vote with his Majesty's Government, he must do so with the distinct explanation,—first, that he meant, by taking that course, to imply no confidence in his Majesty's Ministers—for he felt none; and secondly, that he disclaimed altogether the slightest approbation of the appointment of such a Commission as that which the noble Lord proposed. The appointment of that Commission was fraught with great danger. It involved no intelligible principle. It professed, in terms, to be merely instituted for the purpose of making inquiries—some of which were superfluous, and others totally unintelligible. What would be the effect of this measure on the receivers of tithes in Ireland—on the payers of tithes — on the Roman Catholics — on the Protestant Dissenters, — and on the members of the Established Church? The last thing to be desired was, the appointment of a new Commission, in addition to all the former Commissions that had been sent to Ireland. What course could be devised less likely to mitigate the anxiety of all parties, or to relieve their doubts, than a vague, indefinite, interminable inquiry? The Government objected to the principle involved in the Motion of the hon. member for St. Alban's. Then, he asked, did they recognise any principle in appointing this Commission, or not? If they recognised a principle, why did they object to the Motion of the hon. member for St. Alban's? and how could their own Commission be exempt from the objection which they urged against the hon. Member's Motion? Either there was a principle involved in the appointment of this Commission, or there was not; and why not openly and manfully avow it? The noble Lord said, if it should be found that there was a surplus in the revenues of the Protestant Church of Ireland, Parliament might appropriate it for the purpose of moral and religious instruction. What was meant by these terms, which, unexplained, were very equivocal? When the noble Lord spoke of "moral and religious instruction," did he claim the right, out of the present possessions of the Protestant Church in Ireland, to support the Roman Catholic Church in that country? If, by "moral and religious instruction were meant;" moral and religious instruction based upon the principles of the Church of England, if it were meant *bonâ fide* to devise the means, out of the temporal possessions of the Church, of increasing religious instruction, and extending divine worship according to the principles and the faith of the Established Church, he should listen with favour to the proposal. If the right to sanction the establishment of the Roman Catholic religion in Ireland, and to provide for it out of the funds of the Protestant Church were claimed, for God's sake advance at once the principle on which it was proposed to act. The noble Lord said, "I will consent to an inquiry into the state of every parish in Ireland; and if, on making this inquiry, I discover that there is an excess of revenue beyond what is necessary to provide for the spiritual wants of the people, I think that the surplus may be differently appropriated." But, after the inquiry was finished, would they have advanced any nearer to the main object of that night's discussion? The Commissioners were to give no opinion as to what constituted an excess. They would merely lay before Parliament, after a long and protracted inquiry, certain statistical information: and it appeared to him, that the House was just as well able to give an opinion on the principle at present, as it would be when the Commissioners had made their report. The hon. member for St. Alban's talked of assigning to each Protestant clergyman the same amount of income as a Presbyterian minister received. The hon. Member, no doubt, would consider that an adequate provision; he should consider it most inadequate and unjust; nor would they have advanced a single step nearer to the removal of this difference after receiving the Report of the Commissioners. But when was the inquiry to terminate? There were 2,500 parishes in Ireland, and the Commissioners were to inquire into the amount of Church property—into the number of Protestants, Roman Catholics, and Dissenters—into the state of education—into the funds available for the purposes of education in each separate parish. Look to the progress of other inquiries—of the inquiries, for instance, into the amount of population in Ireland, or of the inquiries of the Ecclesiastical Commission! That Commission had existed for two or three years, and it had presented one report, confined to one province,—that of Armagh. While the inquiries of the new Commission were pending, what would be the consequences in Ireland? It would paralyze all the exertions to effect a commutation of tithe. In the course of last year, an Act was passed for encouraging the Protestant landlords of Ireland to effect the redemption of tithe; but if they were left in a state of uncertainty as to ulterior objects—if they were told, that the payments which they might make in lieu of tithe might hereafter be appropriated to the support of the Roman Catholic religion, would the Protestant landlords either aid in the recovery of tithe, or voluntarily consent to any payment as a substitute for it? In that case, suspense was worse than any decision. Its tendency would be to paralyze the efforts of the Legislature, and to destroy the property, about the application of which they were contending. He could not, therefore, consent to the appointment of this Commission; and if he felt himself bound to vote for the previous question, it was only because he had not the power, by the forms of the House, to give a direct negative, and because he would not depart from the rule on which the generous party with whom he was connected had always acted. They had never resorted to petty artifices for the purpose of embarrassing the course of his Majesty's Government,—they had not sought for opportunities of uniting in their votes with those from whom they differed altogether in principle. Their desire had been to give an honest support to the principles of good government, not to embarrass an Administration by factious opposition. With regard to the main question,—the maintenance of the Established Church in Ireland, in all its rights and privileges,—he was perfectly ready to enter on the discussion of that subject, and to pronounce an opinion in favour of its inviolate preservation. The whole speech of the member for St. Alban's was directed to this principle, that the State ought not to have any established religion whatever. [Mr. *Ward:* As regards Ireland.] That evasion would not do. If the principles were correct, they applied to England as well as to Ireland; and he would attempt to show that the extension to England must be the result of the application of them to Ireland. He would, on this point, first notice the arguments of his right hon. friend, the member for Cambridge. The right hon. Gentleman said, in answer to the speech of the late Secretary for the Colonies, that the principle for which he must contend in Ireland was this,—that if there were an excess of Church property to so great an extent as to endanger the existence of that property, then the Legislature not only had a right, but was bound to interfere, for the purpose of protecting that property. Now, that was one of the most dangerous doctrines which could be promulgated, not only in reference to the property of the Church, but in regard to all property, ecclesiastical, corporate, or individual. If an excess of property were supposed to endanger property, then a part might be curtailed to secure the remainder. What safety could there be for any property, if a government established such a principle, with reference to an hypothetical case? If the principle were applicable to the property of the Church, was it not equally applicable to the property of individuals? Might not the confiscation of private property in certain cases be justified on the ground or on the pretence, that it was excessive, and that the security of the whole was endangered by the excess? If the Ministers had made up their minds, that there was an excess, and were prepared at once to appropriate the surplus to purposes other than those to which it was now devoted, that would be an intelligible course, and pregnant with less danger than a protracted inquiry into the fact of excess, with a menace of confiscation if the fact should be established. If the King's Government doubted as to that fact, could there be anything so dangerous to the existence of all property, as the discussion of the contingencies under which it would be justifiable to seize upon a supposed excess for the purpose of affording protection to the remainder? It was possible to conceive cases in which individuals might become possessed of wealth so enormous, as, with the latitude of expenditure allowed in a country enjoying free institutions, to endanger the general interests. But who would dream, without some extreme practical necessity, of appointing a Commission to consider whether certain individuals might not possess what others considered an excess of property? If any one description of property could not rest with safety on that best of all titles, prescription,—if it were not secure under the safeguard of the law of the realm, the title to all property must be rendered doubtful. The right hon. member for Cambridge had contended, in the next place, that it did not follow, because certain measures were necessary in Ireland, with respect to Church property, that therefore they must be applied to England. The right hon. Gentleman gave, as a proof of this, the Church Temporalities Bill of last Session. But there was a fallacy in the universal application of this argument. There might, no doubt, be measures of local regulation advisable in regard to the Church in Ireland, which were not necessary or advisable in England. Differences in local circumstances might justify a difference in enactments of detail. A Tithe Commutation Bill might be adopted in Ireland, and it did not necessarily follow that the same provisions should be adopted in England; but if you appointed a Commission in Ireland to inquire whether there was not an excess of Church revenue, to inquire into the relative proportion of Protestants and Dissenters, and the facilities afforded to each respectively of attending divine worship, you recognized a principle which was applicable to England as well as to Ireland. The measure was not one of local detail; it involved a principle to which the Dissenters of England would soon appeal, and for the application of which to this country they would loudly call. Though a law had been passed reducing the number of Bishops in Ireland, there had been no demand for a similar measure in England, because this was a measure of regulation, affecting no interests save those of the Church and of members of the Church. The Church revenues remained untouched, and devoted to their original purposes, though subject in certain respects to a different distribution. But there was passed, at the same time, a measure for relieving the Dissenters of Ireland from the payment of Church-rates; and what had been the consequence? The principle was immediately appealed to in this country, and a measure had been proposed for England, relieving the Dissenters from direct contributions to the Church-rates, and placing the charge upon the general revenues of the State. That concession had not satisfied the parties for whose relief it was intended; and it had been opposed as inadequate by 140 members, whom it was intended to conciliate. The same consequences would ensue in this instance. Local measures of regulation they might apply to Ireland singly, but measures involving great principles could not be applied to Ireland, without provoking a demand for the application of them to England. He was indebted to the courtesy of the hon. member for St. Alban's for a correct copy of his speech. Having, unfortunately, been absent from the House at the time of the delivery of this speech, he was gratified by having the opportunity of perusing it. The hon. Member, in that speech, sought to establish a principle which, if it were a sound one, was of universal application. The hon. Member said, " If I am told, that this religion (the Catholic) is not the true religion, and that we ought not to sacrifice to political expediency the sacred interests of truth, I again deny the fact. I say, that with truth, as legislators, we have nothing to do." If that were so, surely they were equally free from any obligation—equally disentitled to consider what was truth in England, as in Ireland. [" *No, no!*"] 'We have to 'look (the hon. Member continued) to 'civil utility alone, as the basis of the 'connexion between the Church and the 'State; and if we once wander from this 'strong ground, there is no predicting the 'consequences which must ensue. Who 'is to be the judge of truth, except one 'to whom, in this world, there can be no 'appeal? Where is the source of truth, 'except in that sacred volume from which, 'in all times, ay, even down to the present 'day, the most opposite conclusions have 'been drawn upon points of doctrine, at 'least by the wisest, the most virtuous, 'and the most conscientious of mankind? 'Look at the consequences, again, of adopting this principle. If we maintain the 'established religion to be the only true 'religion, the State must follow up this 'doctrine. It must enact Test-laws for 'its protection—it must put down all who 'reject it. Sir, it was in the name of 'truth, that the Spanish Inquisition was 'established; and Louis 14th was never 'more intimately convinced of the truth of 'his religion than when he desolated the 'fairest provinces of France in its name 'by the revocation of the Edict of Nantes.' The purport of this reasoning surely was, that the removal of all civil disabilities did not constitute civil equality among the subjects of the King—that the governing powers had no right to establish one system of religion in preference to another. The hon. Gentleman confounded two things perfectly distinct. The Legislature might have no right to compel, by penal laws, the observance of one religion in preference to another; it might have no right, by the establishment of religious tests, to exclude from the service of the State those who dissented from a particular form of worship; but it had a right, because it was convinced that one was the true religion, to allot an ample provision for it as an Established Church. If the Legislature had not this right in Ireland, on what ground could the existence of it in England be vindicated? The whole course of the hon. Gentleman's argument was directed against a preference by the State of one form of religious worship over another. The hon. and learned Gentleman (Mr. O'Connell) said, that it was a degradation to him to be obliged to contribute to the support of a faith that he did not profess. Now let us change the scene for one moment from Ireland to Scotland. Let us take the case of a wealthy nobleman in Scotland, professing the religion of the Church of England, possessed of great hereditary estates, and having inherited those estates, subject to the payment of tiends,—subject to the payment of rates for the repair of the Presbyterian Church; or rather, let us take the case of an individual purchasing land subject by law to all these charges, and having procured an abatement from the price of the land fully equivalent to their amount. What would be thought of the honesty of this man, who having driven as hard a bargain as he could with the vendor of the land—having calculated to the fraction of a farthing the outgoings from the estate on account of payments to the minister, and payments to the Church, and having pocketed the full abatement from the purchase-money, should then pretend religious scruples, and declare, that it was a degradation to him to contribute to the support of a Church of which he was not a Member? How does the case of the Scotch Episcopalian, either inheriting or purchasing land, subject by that same law which established and protected his own rights, to certain charges for the support of a Church to which he did not belong, differ in point of principle, or in point of feeling, from the case of any other Dissenter? If the argument of the hon. member for St. Alban's had any weight, the principle that he wished the Government to recognise was as applicable to Scotland, as to Ireland or England. In the whole course of the debates on the Catholic question, the argument never was urged, that the great grievance of the Roman Catholics was their obligation by law to contribute to the support of a Protestant Establishment. We were never then told, that the removal of civil disabilities must necessarily lead to the abolition of the Protestant Church Establishment in Ireland, or the diminution of its revenues. But we were told directly the reverse. We were told by the hon. member for Westminster—by Mr. Grattan—by all who supported the several Bills brought in for the removal of civil disabilities—nay, it was formally recorded in the preamble of each of those Bills, that the united Protestant Church of England and Ireland was established permanently and inviolably, and that the removal of civil disabilities was calculated and intended to strengthen that Church. The learned Gentleman had asked, what right had we to transfer the property of the Roman Catholic Church at the time of the Reformation? At the Reformation, the abuses of the Church were reformed—the Church of England was purified. The hon. and learned member for Dublin might laugh at this observation; but surely he would not deny the existence, at the period of the Reformation, of scandalous abuses, which disgusted even the best friends of the Catholic Church. Surely the hon. and learned Member would not defend the extravagant pretensions of the Pope in the fifteenth century, the dispensing power, the system of indulgences, and the various other abuses which then existed in the practice of the Catholic Church. But there was no analogy between the circumstances of the present period, and the period of the Reformation. If the legislative authority of the State were of opinion, that the doctrines of the established religion were not founded on Divine truth, let it act in conformity with the principles of the Reformation, and establish some other form of divine worship; but if it still believed that the tenets of the established religion were based upon the immutable truths of the Holy Scriptures, then they were bound, on the true principles of the Reformation, not to impair, but to maintain inviolate, the rights and privileges of the Church Established, and believed to be the true Church. The opinions he was expressing were, or at least had been, the opinions of eminent men, members of the present Administration. He did not quote their speeches for the purpose of involving them in any contradiction with their present opinions, but for the purpose of supporting, by their authority, the course he was resolved to pursue. Lord Plunkett, one of the most powerful and able advocates of the Roman Catholic claims, reconciled his support of those claims, with his devotion to the interests of the Protestant Church, and declared that the existence of that Church in Ireland was essential to the maintenance of British connexion, by the following remarks: 'With respect to the Protestant Establishment of the country, I consider it 'necessary for the security of all sects; 'and I think that there should not only 'be an Established Church, but that it 'should be richly endowed, and that its 'dignitaries should be able to take their 'station among the nobles of the land. 'Speaking of it in a political point of 'view, I have no hesitation in saying, 'that the existence of the Protestant 'Establishment is the great bond of union 'between the two countries; and if ever 'that unfortunate moment shall arrive, 'when the Parliament shall rashly lay their 'hands on the property of the Church, 'to rob it of its rights, that moment will 'seal its doom, and terminate the connexion between the two countries.' Concurring in these sentiments, he concluded with repeating that if, upon such grounds as those upon which his Majesty's Government were prepared to act, the House countenanced the principle of appropriating to secular purposes the property of the Church, it was weakening the foundation of all property, and alienating the minds of the Protestants of Ireland, who reluctantly consented to the removal of the civil disabilities of the Roman Catholics, under the strongest assurance that the removal of those disabilities would redress every grievance, and would restore complete political equality and public tranquillity. They had seen their faithful ministers robbed of their property by every species of combination and fraudulent resistance; and if the House now told them, that the revenues of the Protestant Church might be severed from that Church, and be appropriated to the establishment of another faith—the very faith against which they protested—it would give a shock to Protestant feeling in Ireland, little less fatal in its bearings upon the connexion between the two countries, than if consent had been given to the recent Motion of the learned Gentleman for a Repeal of the Legislative Union.

Mr. *O'Reilly* expressed his regret, that the Motion of the hon. member for St. Alban's had not been met by his Majesty's Government broadly and fairly by a decided negative. Such a negative would have had his most cordial support. He entertained the highest respect for the principle of civil and religious freedom, and he was most anxious not only that the body to which he belonged, but also every other denomination of Christians should be secured the full enjoyment of perfect liberty of conscience; but, as an honest Roman Catholic, he never could consent to the proposed appropriation of the property of the Church as by law established. Though he regarded the appropriation of the revenues of the Romish Church at the time of the Reformation as a most monstrous robbery, yet he nevertheless did not desire, that such a precedent should be followed in these days. He must deny and disavow the doctrines which had, on the present occasion, been laid down by the hon. and learned member for the city of Dublin as being the doctrines entertained by the majority of the Roman Catholic population of Ireland. On the contrary, he (Mr. O'Reilly) asserted, that the Roman Catholics of Ireland felt bound to pay the contributions which the law demanded of them; and though they resisted the payment of tithes, it was not for conscience sake, but from the objections and dislike that the mode in which those tithes were levied alone created. He repeated, that it was the mode in which tithes were levied, that made their name odious to the Roman Catholics of Ireland; and although the higher order of that class of Christians were unwilling to pay tithes according to their present amount, they were perfectly willing and ready to acquiesce in such a commutation as the Legislature in its judgment might fix. He had never, either in his place in Parliament, or in any popular assembly, advocated what was termed the extinction of tithes; and he had a strong objection to the Motion of the hon. member for St. Alban's, because, when the property of the Church should be taken, he knew not how long the hands might be kept out of the resources of the Roman Catholic Church, the doctrines of which were unchanged and unchangeable. He did not wish to see a Protestant Church Establishment superseded by those who had evinced and manifestly entertained no respect for any established institution; and regarding, as he did, the Protestant Established Church as one of the best bulwarks of Christianity, he could not agree with those who thought that, as in America, every man had a right to set up a clergyman of his own particular creed. The effect of such a system had already been shown in America, where struggles ensued on elections or promotions of clergymen, on the letting pews, and the doctrines which they were to preach. Under the existing institutions of this realm, the Church to which he belonged had increased, not only in Ireland, but in every part of the realm; and, regretting, as he did, that the present proposition had not been met with a decided negative by the noble Lord, the Chancellor of the Exchequer, he must repeat, that, should any ulterior measures be submitted, which in any degree were calculated to transfer the revenues of the Protestant Church to the endowment of the Church of which he was a member, such measures would meet his most firm and strenuous opposition. The Romish Church had lived and flourished under existing laws, in spite of opposition and of oppression; and he felt confident that it would continue to do so without any such change as was proposed.

Mr. *Clay* said, that he was very far from wishing to offer any opposition to the course which the Government had felt it their duty to pursue, and therefore felt, in the first instance, much disposed to support the Amendment proposed by the noble Lord the Chancellor of the Exchequer. He had originally felt the more induced to do this, because the events of the last few days had altered the Cabinet; which, though it was true had lost much talent, yet it was equally true, that in the change it had gained a unity of purpose. He felt the full value of that change, and, up to a very recent period, he had the strongest inclination to support the Amendment of the noble Lord; but after what had fallen from the right hon. Gentleman opposite, the Secretary for the Colonies, and the right hon. Baronet, the member for Tamworth, he felt, that the course was not practical. The right hon. Gentleman opposite (Mr. Stanley) had boldly stated as his principle, that, under no circumstances, would he consent to the alienation of Church property—no, not even though, in 250 parishes in Ireland, there was not contained one Protestant. The right hon. Gentleman had expressed doubts, as to whether a British Parliament could be found to sanction such an alienation of Church property, and had wound up his doubts by the declaration, that he had not yet seen the Sovereign who would give his sanction to such a proceeding. He would, however, tell the House and the right hon. Gentleman, that the British Parliament would be guilty of a dereliction of duty if it did not now put on record a declaration of the great principle for which he contended. Even if, after the speech of the right hon. Gentleman (Mr. Stanley), he could have doubted as to the course he should pursue, such doubts would be entirely removed by the speech of the right hon. Baronet, the member for Tamworth, who had taunted the Government — a taunt which had been cheered on the right hon. Baronet's side of the House— that though a Commission of Inquiry was to issue, yet the Government held no sincere or honest intention of carrying the result of that Commission into execution. Did the right hon. Gentleman not say, that the previous question did not mean the admission of the principle, but was a convenient parliamentary mode of shirking the expression of an opinion. Thus it had become important that the House should affirm the Resolutions proposed by his hon. friend, the member for St. Alban's, and, by so doing, solemnly assert the principles which those Resolutions embraced. He knew, that the noble Lord said, that they ought not to assert an abstract principle; but no better method could be found of legislation, than solemnly to assert abstract principles as the basis and guide of future proceedings. It had been urged as an objection, also, that the introduction of these principles into the Irish Church Establishment would speedily be followed by a similar proceeding in reference to the Church in this portion of the realm. He would, in answer, state, that the people of England would not consent to make Ireland a vast camp or a great garrison, to force upon a reluctant people the abomination of a Church Establishment to which they were not attached. Could it be for one moment maintained, that a clergyman should receive 2,000*l.* per annum, for administering to the wants of a congregation which he did not possess? The right hon. Baronet had said, that to interfere with the property of the Irish Church might weaken the security of property, generally, even of individuals. Such an assertion arose from a sad confusion of ideas. Would private property be rendered insecure by reducing the salary of the Privy Councillors? Church property was properly set apart by the State for services performed, like the salaries of Privy Councillors; private property never was set apart by the State, and only the greatest confusion of ideas could predict any danger to the latter from amending the distribution of the former. The true notion of Church property was, that it was a sum, or fund, held in trust by the State, to be devoted to the moral and religious education and instruction of the people, and, therefore, it was competent for the State to interfere as to its distribution and application. If the power to deal with these revenues prevailed at the period of the Reformation, it existed now; and it should be remembered that, if the Roman Catholic could argue for an Established Church, the Protestant was not in the same position, for the latter maintained the principle, that every man may place his own interpretation upon the contents of the Bible, and yet the right hon. Gentleman opposite (Mr. Stanley), and the right hon. Baronet, the member for Tamworth, would give all the revenues of the Church to those who maintained only one particular interpretation of the contents of the sacred volume. He concurred with Dr. Johnson in thinking favourably of a Church Establishment; and he still further concurred in his opinion, that such an Establishment could only be defended on the ground, that the faith and doctrines which it inculcated were those of the majority of the population. He should have hoped, that the noble Lord, the Chancellor of the Exchequer, would have consented to deal with the Church in the manner proposed, and have followed that consent by the issuing of the Commission which had been mentioned; but, after what had fallen from the opponents of the principles contained in the Resolution, he (Mr. Clay) could not do otherwise than vote in support of it. He regretted, that he should be obliged to state, that the course which had been taken by the noble Lord, the Chancellor of the Exchequer, was most unwise and pusillanimous. If the noble Lord was favourable to the principle, he ought, in a manly, straightforward, and sincere declaration, have declared his sincerity; and if he entertained a different opinion, the Resolutions should have been met by the noble Lord with a decided negative.

Mr. *Hawes* said, that the hon. Gentleman, who had just spoken, appeared to have been converted by the speeches of the right hon. Gentleman (Mr. Stanley), and the right hon. Baronet, the member for Tamworth; but, for himself, he (Mr. Hawes) must say, that those very speeches induced him to give his support, on the present occasion, to his Majesty's Government. He was not induced, by those addresses, to give a vote which would be calculated to throw out a liberal Administration. The question really under consideration, was not entirely a Church of England question, which some hon. Gentlemen had endeavoured to make it; but it was whether or not the House would give its support to an Administration which was identified with some great and important measures, at present more or less complete, on the Table of the House, or whether it would put an end to those measures and to the Administration from which they had emanated, in order to make way for a more conservative Ministry. In affording his Majesty's Government his support, he should sacrifice some principles which he had ever entertained; but, under their present difficulties, and the impression, that their continuance in office must be beneficial to the country, he should not shrink from the responsibility which might attach to him for giving them his most cordial support on the present trying occasion.

Mr. *Barron* had acquired increased confidence in his Majesty's Government, in consequence of the secession from its councils of the right hon. Gentleman (Mr. Stanley). Having that confidence, by giving his support to the proposition of the noble Lord, the Chancellor of the Exchequer, he did not feel, that he should vote against the principles contained in the Resolutions which had been moved by the hon. member for St. Alban's. By doing so, he did not conceive, that he should pledge himself in the remotest degree against the principles thus laid down. He believed there existed a secret reason which precluded the Ministers from stating, in exact or definite terms, the ulterior proceedings which they might contemplate, or to make such disclosures as would remove all doubts of their intentions; but now that the Ministry was purified, he trusted that they would pursue that bold course which would secure the confidence of the country and the support o every independent man in Parliament.

Sir *Robert Inglis* said, that the hon. member for the Tower Hamlets seemed to approve of the present Administration because he thought it had preserved its unity of purpose. But could any one have heard the speeches delivered by the two noble Lords opposite, and his right hon. friend, who was still one of the members for the town for Cambridge, without being convinced that a difference of opinion did exist in the Cabinet respecting Church property? It was quite manifest that the noble Lords had made their minds up to appropriate the revenues of the Church to other than ecclesiastical purposes. The hon. member for Middlesex complained that there was great mystery in the way in which the noble Lord delivered his sentiments; but, in his (Sir Robert Inglis's) judgement, the noble Lord made a much stronger avowal of the views entertained not only by himself, but by the Government with which he was connected, on this subject than accorded with his taste. It was, he repeated, impossible to have heard the noble Lords without being convinced that they had made up their minds to a different appropriation of Church property to that which now existed. But what had his right hon. friend, the member for Cambridge, said, when descanting on the result of the Commission proposed to be appointed? He said, that when the Report of that Commission was before him he should examine it with a free and unbiassed mind; but it was not a little observable that a syllable had not escaped him which could pledge him to any such lengths as his noble Colleagues were evidently prepared to go. Here, then, was an obvious difference of opinion entertained by the three members of the Government who had spoken. He did not allude to what had fallen from the right hon. Gentleman, the president of the India Board, but he thought he had said enough to show, that distinct opinions respecting the appropriation of Church property were held by the members of the Cabinet who had spoken that night. Two of them had maintained the right of the Legislature to appropriate the revenues of the Church how they pleased, while the third, his right hon. friend, the member for Cambridge, declared that he should keep his mind open—that as yet he had arrived at no conclusion as to the course he should take on this momentous question. Surely here were the elements of dissension developing themselves, notwithstanding the congratulations of the hon. member for the Tower Hamlets that nothing but unity prevailed in the Cabinet. He (Sir R. Inglis), however, thought that with much more reason he might congratulate hon. Members on the back benches of the Opposition on the prospect that was before them of being at no very distant day called upon to sit on the Treasury benches. But, without adverting further to the honour of a connection with such a Government, he would merely say, in common with his right hon. friends (Sir Robert Peel and Mr. Stanley) he felt the difficulty in which he was placed as to the vote which he should give on the present occasion. Of the two propositions before the House the previous question certainly was the least objectionable, and, although he should of necessity vote for it, he would, had the rules of the House allowed of his taking that course, have felt it his duty to meet the resolution of the hon. Gentleman, the member for St. Alban's, by moving a direct negative. If that, or the other House of Parliament, undertook to regulate and reduce Church property in Ireland they were equally entitled to do it in England; and, above all, the same principle which would justify regulation and reduction would also justify extinction. He would defy any hon. Gentleman to show that the principle once adopted might not go as far as to the extinction of the Established Church. Now the question was, was the country prepared to go to this extent? If it were competent for Parliament to reduce the property of the Church it was equally competent for it to annihilate or to transfer. In his opinion, as far as the vote of the House of Commons could go to establish that principle, and entail such consequences, this motion would do so if carried. Upon the grounds he had stated, and having to choose between two evils, he should vote for the previous question.

Viscount *Palmerston* wished to address the House for a very few minutes; and he should have the less occasion to obtrude himself for any length of time on the patience of hon. Members, because he did not feel called upon to enter into a discussion on that part of the question which would bring him into collision with his right hon. friend; and he felt the greatest satisfaction in this circumstance, inasmuch as, whatever sneers the hon. and learned member for Dublin might please to throw out respecting the honey of friendship, and however much that hon. and learned Member might deride the expression of pain which honourable men must feel at separating from one another,—he must assert, that to find himself opposed on such a question, after so long a connexion of personal and political friendship, to his right hon. friend, afforded him the very greatest personal pain. The question was, whether the House should come to a decision in favour of the Resolution brought forward by the hon. member for St. Alban's, or support the previous question. He confessed, that he had not heard one argument which went to prove that the preferable course for an independent Member of Parliament to follow, was to vote for the Resolution of the hon. Member. If it were urged, that the Government had not shown any intention to act upon the Commission of Inquiry, his answer was this: he appealed to the speech of the right hon. Secretary for the Colonies, and to the difference of opinion which subsisted on this subject between the members of the late Cabinet. This was of itself enough to show, that the Government, in issuing a Commission, had made up their minds to act on the principle, that Parliament was competent to regulate the revenues of the Church. The hon. Member who had proposed the Resolution had not brought forward the shadow of argument to prove, that his Resolution would be more advantageous than the previous question. Even the hon. member for Middlesex had admitted, that if the Resolution were carried, it must be followed by a Commission. What, then, did they intend? Did hon. Members gravely propose to record a solemn Resolution of that House, affirming the existence of certain facts, and then institute an inquiry, to ascertain whether these facts did or did not exist? Again, the hon. and learned member for Dublin had, no doubt on due deliberation, given the strongest possible reasons against voting for the Resolution. "You must not," said the hon. and learned Member, "trust to words, and promises, and declarations." Why, what else was the Resolution of the hon. member for St. Alban's? Did it contain any thing else but words, and promises, and declarations? "Give me," said the hon. and learned Gentleman, "give me deeds, not words." And what deeds did the hon. and learned Gentleman expect from the hon. Mover? Was it not his expressed intention, even after he carried his point, to let his Resolution remain a dead letter, and to wait till the following Session of Parliament before he proposed a measure founded on his Resolution? He was rather surprised that any Member, entertaining such opinions as the hon. and learned Gentleman entertained, should think of lending his support to a Motion which went, not to produce acts and deeds, but only to add more promises, to hold out further expectations to a deluded and exasperated people. To him, therefore, it appeared little less than a gross absurdity for the House to accede to the Motion of the hon. Member. If the House were prepared to deal with a question of such importance, in which the religious feelings of the country were so deeply interested, without previous investigation, they would support the hon. Member; but if they conceived that a solemn inquiry was necessary before adopting such a proceeding, he called upon them to reject the Motion. If that Motion were carried, would not the Catholic population of Ireland expect that a Resolution thus introduced would be followed up by some immediate measure of relief? It could not be a matter requiring much deliberation, whether the original Motion, or the previous question, should have the preference in the minds of hon. Members. He was prepared to affirm, in opposition to the premises laid down by the right hon. Baronet, the member for Tamworth, the principle, that the property of the Church was not to be looked at in the same light as the property of individuals, and that it was for the Legislature to determine in what manner that property, which had been granted for certain trusts and purposes, should be distributed. It was his distinct and deliberate opinion, that it was the right of the State to deal with the trust of the property of the Church. It was idle to argue from the one species of property to the other, for the circumstances under which each originated were totally distinct. Neither did he conceive, that the arguments which justified a Reform of the Irish Church, could by any possibility apply to the Church of England, for the two countries were placed in totally dissimilar circumstances. The hon. member for Wexford had asked, whether the present Cabinet was united in taking this view of the subject, and he (Viscount Palmerston) had no hesitation in saying, that a perfect unison of sentiment on this subject did subsist among the members of his Majesty's Government. If the hon. Member by his Resolution was desirous of forcing the Government to deal with the revenues of the Church as the property of the State, and if any hon. Member thought that, by voting for that Resolution, he should coerce Ministers into these measures, he would tell him, that they needed no coercion or constraint on the subject. He was only anxious to state his adherence to the principles he had laid down; and he trusted, that those hon. Members who had been in the habit of reposing confidence in Ministers would not withdraw that confidence now, and, as the Commission had already passed the Great Seal, would lend their aid to the Government in their endeavours to carry their opinions into practice.

Mr. *Dominick Browne* trusted the House would lend him their patient attention for a few moments. The real question before the House, and before the country, was, whether the Roman Catholic religion in Ireland, the faith of six millions of its people, of three-fourths of its inhabitants—a faith which had maintained its noble front with inviolate purity and strength against every species of persecution for centuries — whether this should be any longer treated merely as the tolerated tenets of a sect? The Roman Catholic religion was the religion of Ireland; there was, no doubt, a certain portion of Presbyterians in the North, and of Protestants here and there, but the religion of a vast majority, of six millions out of eight millions, of three-fourths of the people was Roman Catholic. Was the faith, then, of so great a majority of the population to be treated as merely the doctrines of a sect, or ought it not rather to be considered and treated as the religion of that country. Throughout Europe there never had been, nor was there an instance in which the religion of the majority was so considered or treated. Prussia, for instance, had never attempted to hold up the Roman Catholics in Silesia, or on the Rhine, as a sect subservient to one Protestant Church; nor had Russia attempted anything of the sort with the Roman Catholics in Poland. Ireland was the only country in which such a monstrous absurdity had been instituted, and it was now high time to do away with the absurdity. The House seemed to be acting under an idea that Ireland was a conquered country, and that it was a great thing for a "conquered" country to obtain any relaxation in their oppressions and burthens ["*No, no!*"]. He was glad to hear those noes, as they, at least, showed that some members of the House were not impressed with the feeling he had deprecated, yet, however the case might now be, the conduct pursued towards Ireland hitherto had been unhappily such as but too well to warrant such an opinion as he had expressed. As to the infliction of the English Established Church on a Roman Catholic population, he would ask, what would the English have thought if James 2nd victorious in Ireland, had come over to England and attempted to set a Roman Catholic clergyman over every English parish? What would the English have thought of this—or, rather, what would they have done? Would they have suffered such an infliction? No. Why, then, should they wish to inflict upon the Irish nation an insult and an oppression which they would not have endured themselves? He had hoped and expected that Ministers would have come forward and laid down the principle that the Roman Catholic clergy were entitled to assistance and support, not as a boon but as a right; but as they had not done so, he should feel it his conscientious duty to himself and his constituents to support the Motion of the hon. member for St. Alban's.

Mr. *Ellice* observed, that a more conclusive argument against that which had been urged by the hon. Member opposite could not be found than that which was contained in the speech of his hon. friend behind him, who boldly recommended the diversion of the revenues of the Irish Church in order to raise an ascendancy of a Catholic clergy. ["*No, no!*"] He begged his hon. friend's pardon if he had misunderstood him, but he understood him to say, that he could not vote with his Majesty's Government, unless the Catholic clergy were provided for out of the revenues of the Church of Ireland. ["*No," from Mr. Browne.*] He begged pardon if he were wrong, but he thought that his hon. friend had said so. However, if his hon. friend had said so, he must say, that it would form a very strong argument for opposing the Motion of the hon. member for St. Alban's. Ireland indeed, and he fully admitted it, had its full measure of suffering, and the Church was no inconsiderable item in the catalogue of her grievances. From its abuses and its oppressions, much misery had come upon that ill-fated country; but the time to put a stop to those oppressions, to remove those abuses, had arrived, and he hoped that a full and free inquiry, with a view to the revision and complete redress of her wrongs, would afford her that rest which she so much needed. Since he had had the honour of a seat in that House, he had taken much interest in the affairs of that country, and he remembered that some time ago, in seconding a Motion made by the hon. member for Middlesex, he had said, that not a county in England would have endured for a day the kind of treatment which two Irish counties had experienced for six months, during which period upwards of 12,000 tithe processes were served in those counties. Since he made that statement, it was true that they had been giving gradual relief to Ireland, but it was impossible that the present state of the Church could be upheld. He had at the same time stated, that the course he proposed was necessary for the maintenance and strengthening of the Church itself. He adhered to those opinions, and any measures which he should support must, therefore, unite the two objects of upholding the Church and affording redress to the Irish people. He might have been desirous to concur with his right hon. friend (Mr. Stanley) in the views he had taken, but for the difficulties which he foresaw in maintaining the Church at all without some conciliation to Ireland, and without which he felt they must give up all hope of her internal tranquillity. Having, therefore, taken his determination to stand upon the principles which had been so clearly and forcibly stated by his noble friend that night, he was compelled, however painful to himself, to separate himself from his former colleagues who took a different view. The appropriation of the revenues of the Church of Ireland would be such as would give peace, repose, and tranquillity to distracted Ireland. He would not have consented to the issuing of a Commission to conceal his own opinions, and he felt bound to state, that his honest intention was, and he spoke as a Member of the Government, to act upon the Report which that Commission might forward. But when the hon. Baronet, the member for Oxford, talked of a difference of opinion still existing between his noble friend and some other parties in the Government upon that most important question, namely, whether Parliament had or had not the right of appropriating the property of the Church to whatever purpose it might deem desirable, he thought it necessary to declare that there was no such difference, in order that it might go forth to the country that the Government were completely united upon that question. If this, then, were the case, he did feel himself entitled to make a very strong appeal to the hon. Member who brought forward the Motion, and ask him, whether he thought it expedient to press it upon the House? He would put it to the hon. Gentleman whether, after the speech of the right hon. Baronet, the member for Tamworth, he did not see a danger that might arise from an appeal to the Protestant feeling of this country? Let him assure his hon. friend that those who had witnessed the course of previous events in this country, and who knew what the state, and strength, and depth of that Protestant feeling was; he would assure his hon. friend that they who knew this must have some little feeling of apprehension for the result of any division amongst the friends of liberal principles on subjects of this description. He threw that out for the hon. Gentleman's consideration, for he believed that they had the same object in view. If the cry which he heard from the opposite side meant that he had for his object the full and complete reformation of the Irish Church he avowed it. He had joined the Government upon those principles, but if it were meant to imply that he had views tending to the destruction of the Church, then he denied it. He had equally in view the support of the Church and the pacification of Ireland. It was upon these principles that he stood where he was, and this policy alone he was convinced could give them the least chance of eradicating that state of things which had so long and so unhappily existed in that distracted country.

Mr. *Browne* explained, that he did not mean to say what had been attributed to him, but as he was pressed on the subject, he must say, he thought half the revenues of the Irish Church ought to be appropriated to the Catholic priesthood.

Mr. *Lefroy* regretted the course pursued by the Government, and that while professing their attachment to principles of conservation in Church questions they were all the time acting upon a spoliative principle, and exposing the Church to its application in all time to come. He felt that they were now come to times when every man must make his choice whether the country was to have the Constitution and an established religion, or an infidel republic upon the principles of Tom Paine. All men must come to that choice, and he regretted to see a Government in this country, while professing an attachment to the former, adopting a course of policy having a direct tendency to bring about the establishment of the latter. The hon. Member who brought forward the subject, had stated the gross revenue of the Church at 937,456*l*. Now he had examined the items composing the total revenue, and he undertook to prove that they did not exceed 521,431*l*. He would undertake to make that out to the satisfaction of the House. The first statement of the hon. Member he should notice was that of the Bishops' revenues, which he gave at one hundred and twenty odd thousands. He admitted, that this had been the revenue of the Bishoprics; but the hon. Gentleman in stating that had forgotten to deduct the cancelled bishoprics, which amounted to 50,730*l*. Then in the revenues of the dean and chapter, he had omitted to give them the credit they so justly took for the sum of 21,400*l*. which they devoted to the repairs of cathedrals. The hon. member for St. Alban's had, perhaps not intentionally, exaggerated the revenues of the Church of Ireland by nearly one-half. The true amount of those revenues did not exceed 615,000*l*., of which sum about 449,000*l*. was appropriated to the benefices of the clergy, which were 1,456 in number, giving an average revenue to each of about 308*l*. per annum. He made this statement fearlessly, and was prepared to stand pledged to its truth. If any hon. Member disputed it, let him stand up in a manly and decorous manner to do so. He would state further, that 678 of the above livings did not exceed 300*l*., and that many of them went as low as 30*l*. If it were to be contended that the revenues of not a few livings were redundant, and that some parishes were considerably overpaid, he would assert, in reply, that there were as many which were underpaid. If it were proposed to appoint a Commission only to inquire into the extent and revenues of the different parishes he would not object to it; but he regretted to find that his Majesty's Government had mixed up with that proposition the principle of population—a principle destructive to the Church Establishment in Ireland. It was impossible to have a satisfactory result upon a matter of this kind from a purely lay Commission. When the hon. member for Middlesex brought forward a similar Motion in the year 1825, Mr. Canning opposed it by declaring that it would be a "most barefaced infraction of the Act of Union," and desired the Clerk of the House to read the fifth clause of that Act in support of that declaration. One word in conclusion in reference to the Protestant population of Ireland. The hon. member for St. Alban's had stated them at only 600,000; but he (Mr. Lefroy) would appeal to documents before the House, documents furnished by evidence upon oath, to show that that was not half the real amount of the adherents of the Established Church in Ireland.

Mr. *Ward* rose to reply:—The noble Lord, he observed, had said, that he (Mr. Ward) had brought forward no fact or adduced no argument that night which should induce the House to agree to his Motion; but in saying so the noble Lord would seem to forget that his facts and arguments had been all brought forward upon a former occasion, and that it was not for him to trouble the House by repeating them, his case having been already made out. As to the general accuracy of these facts, there could be no prouder confirmation of it than that they had not been impugned by any one of the three right hon. Gentlemen who had spoken that evening, and who were so intimately acquainted with the affairs of Ireland. He alluded to the right hon. Baronet, the member for Tamworth, the late right hon. Secretary for the Colonies, and the right hon. Gentleman opposite (Mr. Rice). The only person who had assailed the correctness of his statements was the hon. and learned Gentleman who spoke last. He had accused him (Mr. Ward) of gross exaggeration. He, however, had rested his statement upon documents accessible to everybody—he had rested it upon a statement made by the noble Lord, and confirmed by Returns made to that House. This was with respect to two-thirds of the parishes; and for the 272 parishes of which there was no Return he had added one-fourth; and for 85,000 Irish acres of glebe land, which were equal to 130,000 English acres, he had allowed 30*s*. an acre. Upon these grounds he had made his calculation. He had yet to learn that he had been guilty of any inaccuracy. He much regretted, that the noble Lord had not seen fit to combine the issuing of his Commission with some positive assertion of the principle he was anxious to have adopted by the House. He was sorry to cause a division between the friends of liberal principles, or anything wearing the appearance of a division; but as the principle which he had advocated had been so very strongly controverted by the right hon. Gentleman (Mr. Stanley) and the right hon. Baronet (Sir Robert Peel), he felt that he would be hardly justified before the House and the country in not pressing the question to a vote. His only regret was, that the question could not come fairly before the House. Many hon. Members, he was aware, who were friendly to his proposition, did not yet, in consequence of the Commission which had been issued, feel it right to vote against the Motion for the previous question. He found fault with no one less pledged than he himself was; he blamed nobody; he lamented only the course which Government had thought proper to pursue.

The House divided on the Question that Mr. Ward's Motion be put—Ayes 120; Noes 396: Majority 276.

List of the AYES.

Adams, E. H.
Aglionby, H. A.
Attwood, T.
Barnard, E. G.
Barry, G. S.
Beauclerk, Major
Bellew, R. M.
Bewes, T.
Bish, T.
Blake, J.
Blamire, W.
Brotherton, J.
Browne, D.
Buckingham, J. S.
Bulwer, H. L.
Bulwer, E. L.
Butler, Hon. Colonel
Callaghan, D.
Chapman, M. L.
Clay, W.
Cobbett, W.
Collier, J.
Crompton, J. S.
Curteis, Captain
Curteis, H. B.
Dashwood, G. H.
Davies, Colonel
Dawson, E.
Divett, E.
Dobbin, L.
Dykes, F. L. B.
Ellis, W.
Evans, Colonel
Ewart, W.
Faithfull, G.
Fielden, J.
Finn, W. F.
Fitzgerald, T.
Fitzgibbon, Hon. R.
Fitzsimon, C.
Fitzsimon, N.
Fryer, R.
Gaskell, D.
Gillon, W. D.
Gisborne, T.
Grote, G.
Gully, J.
Hall, B.
Handley, B.
Hawkins, J. H.

Hayes, Sir E.
Hill, M. D.
Howard, P. H.
Humphrey, J.
Hutt, W.
Jacob, E.
Kemp, T. R.
Kennedy, J.
Lalor, P.
Lambert, H.
Lambton, H.
Langton, Col. G.
Leach, J.
Lister, E. C.
Lloyd, J. H.
Lynch, A.
Macnamara, F.
Martin, J.
Martin, J.
Molesworth, Sir W.
Morrison, J.
Nagle, Sir R.
O‘Brien, C.
O’Callaghan, C.
O’Connell, D.
O’Connell, Maurice
O’Connell, J.
O’Connell, Morgan
O’Connor, F.
Oliphant, L.
Oswald, J.
Oswald, R. A.
Palmer, General
Parnell, Sir H.
Pease, J.
Philips, M.
Potter, R.
Poulter, J. S.
Richards, J.
Rippon, C.
Roche, D.
Roche, W.
Roebuck, J. A.
Romilly, J.
Romilly, E.
Ruthven, E.
Ruthven, E. S.
Scholefield, J.
Sharpe, General
Sheil, R. L.
Stawell, Lieut. Col.
Strutt, E.
Sullivan, Richard
Talbot, James
Talbot, J. H.
Tennyson, Rt. Hn. C.
Tooke, W.
Trelawney, Sir W. S.
Vigors, N. A.
Walker, C. A.
Wallace, R.
Wallace, T.
Walter, J.
Warburton, H.
Wason, Rigby
Watkins, J. L.
Wemyss, Captain
Wigney, N.
Williams, Colonel
Williams, W. A.
Wilmot, Sir E.
Wood, Alderman

TELLERS.

Hume, J.
Ward, H. G.

PAIRED OFF.

Bowes, J.
James, W.
Maxwell, ——
Rotch, B.

House-Tax Repeal Bill.] On the Motion of Lord Althorp that the House-Tax Repeal Bill be read a third time,

Mr. *Hughes Hughes* said, he rose to submit to the House the Motion of which he had given notice for the insertion of a clause in the Bill, enacting, that all and every persons and person, who were or was assessed to the rates and duties on windows or lights, for the year or half year, ending on the 5th day of April last, shall be entitled to make or open, and keep open, free of duty, any additional number of windows or lights, in their, his, or her dwelling-house, warehouse, shop, or other premises so assessed; and that no person or persons not so assessed for his, her, or their dwelling-house, warehouse, shop, or other premises, by reason of the same not containing six windows or lights, shall be brought into assessment, or made liable to rates and duties, because of the opening of any additional number of windows or lights in such dwelling-house, warehouse, shop, or other premises. The noble Lord, the Chancellor of the Exchequer, and his right hon. predecessor in that office, must alike acknowledge that he had not tormented them on questions of finance. It was the first proposition which, during the three Parliaments he had had a seat in that House, he had made on such a subject; and it did not go to diminish, but in point of fact to increase, the revenue. He was not one of those who considered the national faith as a cant term, and he was aware, that that House, having responded to the call of the country for the abolition of Negro slavery, and incurred a charge of twenty millions sterling on that account, it was not in the power of the Government, with a due regard to the maintenance of the national credit, to repeal the duty on windows, which they might otherwise have done in the present year, the amount of that duty and of the interest on the twenty millions being much the same. By his proposition, however, while not one shilling of revenue would be sacrificed, considerable relief would be afforded to the agricultural, in common with the manufacturing and trading interests—to the small farmer as well as the shopkeeper and humble classes of society. By means of it, increased light and air, so necessary to the comfort and health of the community, would be admitted as effectually as, by the repeal of the present duty on windows, by which alone it was obvious, that no additional light or air would be obtained. By his clause, moreover, coupled with a requirement that the officers of every parish should make a half-yearly report to the Commissioners of Taxes of the number of windows in any new house in their parish, opportunity would be afforded for discharging the whole tribe of surveyors, inspectors, assessors, and other officers which must otherwise be kept up, notwithstanding the repeal of the House-tax. But, as he had said, the Revenue, so far from suffering diminution, would be increased by his proposition, inasmuch as it would cause a great addition to the excise, in the duty on glass and other articles used in the construction of windows. He could imagine but one objection, or rather answer, to his proposal—that the parties might obtain the desired relief by compounding for their windows, under the Bill which was about to be brought in for that purpose. That, however, was not the case; an additional five per cent was charged on compounding upon an existing assessment, which equalled the duty on two or three windows, and would not, therefore, be the same thing with the immunity he proposed to grant. In common with many hon. Members, he compounded for his Window-duty in the year 1819, and had since opened what windows he pleased, without fear of its increase, or, what was worse, of a surcharge; the composition which was originally made for three years had been renewed from time to time, and existed at the present period, from which he had a right to argue, that it had been found to work well. Now what he sought by his clause was, to afford to others the privilege he had himself so long enjoyed. He moved, that the clause be brought up.

Mr. *Hume* seconded the Motion, the utility and importance of which he enforced.

Lord *Althorp* hoped the hon. member for Oxford would consent to withhold his clause, and move it in some stage of the Assessed Taxes' Composition Bill about to be introduced, admitting, at the same time, that it had not received that attention from the Government which it merited, and he promised to give to it, with a sincere desire, if possible, to agree with it.

Mr. *Spring Rice* urged upon the hon. member for Oxford to extend the courtesy he had already repeatedly shown, by deferring his Motion, at the request of the Government, and agree to the suggestion of his noble friend.

Mr. *Hughes Hughes* reminded the right hon. Gentleman, that not only notice of his Motion, but the very words of his clause had been repeatedly printed in their votes, and the Government could not, therefore, say they were taken by surprise; notwithstanding which, he was disposed, after what had passed, to meet the wishes of the noble Lord. He hoped the Chancellor of the Exchequer might shortly feel at liberty to repeal the Window-duty altogether, but the effect of the adoption of his proposition would certainly be, to cause the tax to be more patiently submitted to during the time it was necessarily continued. The most important portion of his clause had been overlooked in the debate; at present, a House not containing six windows or lights paid no duty whatever; and numerous were the instances in which an addition of one or two windows would be made, but that duty would then attach to the whole of the windows in the house. Now, he proposed, being the very case he most desired to meet, that the opening of additional windows or lights in such houses should not cause them to be brought into assessment. He should certainly not only make, but enforce, his proposition, in the Assessed Taxes' Composition Bill.

Bill read a third time, and passed.

HOUSE OF LORDS,
Tuesday, June 3, 1834.

Minutes.] Petitions presented. By the Marquess of Bute, from Auchinleck, for a Better System of Church Patronage in Scotland.—By Lord Delawarr, from Swaffham Priors, for altering the Sale of Beer Act.—By Lord Rolle, from Great Torrington, against the Claims of the Dissenters; and by the same Noble Lord, and the Duke of Cumberland, from several Places,—against the Admission of Dissenters to the Universities.—By the Duke of Cumberland, the Marquess of Bute, and the Earls of Shaftesbury and Eldon, from several Places,—for Protection to the Established Church.

HOUSE OF COMMONS,
Tuesday, June 3, 1834.

Minutes.] New Writ ordered. For Cambridge Borough, in the room of the Right Hon. Spring Rice, Secretary of State.

Petitions presented. By Sir Hyde Parker, from Lavenham, against the Poor Laws' Amendment Bill; and from Long Melford, for continuing the Labour Rate Act.—By Colonel Sharpe, Major Beauclerk, Mr. Lloyd, and Mr. Wilson Patten, from several Places, against Drunkenness.—By Mr. Hume, from Newcastle-upon-Tyne and Brechin, against the Taxes on Knowledge.

Drunkenness.] Mr. *Buckingham*: Sir, in rising to call the attention of the House to the Motion of which I have given notice, for a Select Committee to inquire into the causes of the great increase of habitual Drunkenness among the labouring classes of this kingdom, and to devise legislative measures to prevent its further spread, I am so fully sensible of the difficulty of the task, that nothing but a strong conviction of its public importance would have induced me to undertake it. In the expositions which it will be my painful duty to make, I can scarcely fail to encounter the hostility of those who profit largely by the demoralization of which they are both the cause and the support. In suggesting the remedies which I shall venture to propose, I foresee the opposition of a large class of persons interested in maintaining the existing state of things in all its force; while from those who have no pecuniary interests involved in the inquiry, but who contend, conscientiously, perhaps, that all legislation on such a subject is mischievous, and that the evil should be left to work its own cure, I shall have to endure the imputation of cant and puritanism, in affecting a higher regard for morality than others, of officious meddling, and oppressive interference with the rights of property, and the enjoyments of the labouring classes. For all this I am prepared; and yet, in the face of all this, I shall firmly persevere in my original intention. Not that I am indifferent either to the rights of property, or to the enjoyments of my fellow-men—and the humbler their class, the more sacredly should their rights and enjoyments be guarded from legislative suppression; but, after years of mature deliberation—after some reading, much reflection, and still more practical experience, grounded on extensive personal observation of the present condition of society in England, Scotland, and Ireland, which, within the last five years, has brought me into close intercourse with many thousands of all ranks and classes—my conviction is as strong as it is sincere, that, of all the single evils that afflict our common country, the increased and increasing prevalence of drunkenness, among the labouring classes, including men, women, and children, is the greatest; that it is not only an evil of the greatest magnitude in itself, but that it is the source of a long and melancholy catalogue of other evils springing directly from its impure fountain; and as its daily operation is to sap the very foundations of social happiness and domestic enjoyment, he who may be instrumental in arresting its fatal progress, will be conferring an inestimable benefit on his country, and rendering a valuable service to mankind. Under this conviction, I propose, Sir, with the indulgence of the House, to direct its attention to some few of the causes which appear to me to have been most powerfully operative in extending the increase of drunkenness, and to some few of the baneful effects which it produces, not merely on its immediate victims, but on the best interests of society at large. I shall, then, I hope, be able to adduce sufficient reasons to show, that legislative interference is imperatively demanded, to check the evil; that it is justified by precedent and analogy, and that it will produce the end desired. After this, I will submit to the House the steps which appear to me most likely to operate as immediate checks, as well as others more appropriate to be considered as ulterior remedies for an evil which it is desirable first to arrest in its present progress; and then, if possible, to root it out and extirpate entirely. Of the fact of the increase of drunkenness among the labouring classes of the country, I think there will be no doubt. But if there should, a reference to the reports of the police cases, published in any town of the United Kingdom will be more than sufficient to remove such doubts; and if to this be added the evidence furnished by the records of our criminal courts of session or assize, and by the coroner's inquests, hospital returns, and other public documents, accessible to all,—the most irresistible proof will be produced to show, that intemperance, like a mighty and destroying flood, is fast overwhelming the land. I content myself with two short extracts of evidence on this subject from very different quarters, which I have selected from a mass of others, because they are the shortest and the most recent; not written to serve any special purpose, and above all question as to their authenticity. The first is from the last official Report of the Middlesex Lunatic Asylum, at Hanwell, as published in the *Times* of the present month. It is as follows:—

> GIN-DRINKING.—The seventy-six deaths which have occurred in the year have been, with the exception of those who have died from advanced age, principally caused by the disease of the brain, of the lungs, and the complaints brought on by those deadly potions of ardent spirits in *which the lower classes seem more than ever to indulge.* In a very great number of the recent cases, both amongst men and women, the insanity is caused entirely by spirit drinking. This may, in some measure, be attributed to the young not being taught to consider the practice disgraceful, and to their being tempted, by the gorgeous splendour of the present gin-mansions, to begin a habit which they never would have commenced had they been obliged to steal, fearful of being observed, into the obscurity of the former dram-shops.

The second document to which I beg to draw the special attention of the House, is one of the most appalling, perhaps, that the history of intemperance has ever produced. It is a report of the number of men, women, and children, who entered, for the purpose of drinking ardent spirits, fourteen of the principal gin-shops, in London and its suburbs—of which there are two in Whitechapel—three at Mile End—one in East Smithfield—one in the Borough—one in Old Street Road—two in Holborn—one in Bloomsbury—and three in Westminster. From these tabular statements I make only the following selections. At the principal gin-shop, in Holborn, there entered on the Monday, 2,880 men, 1,855 women, and 289 children; making a total of 5,024 human beings in one single day; and, in the whole week, 16,988 persons had drunk of the poisonous draught at one single house. At the principal gin-shop, in Whitechapel, this had even been exceeded; for there had entered at this house on the Monday, no less than 3,146 men, 2,186 women, and 686 children; making a total of 6,021 in a single day; and in the course of the week, the numbers amounted to 17,603. The grand total for one week only in the fourteen houses selected, the names of which I have seen, and the localities of which I have myself inspected, amount to no less a number than 269,438, divided in the following proportions—namely, 142,453 men, 108,593 women, and 18,391 children—the women and children united, nearly equalling the men; and surpassing them in the grossness and depravity of their demeanour! Alas! Sir, is it England of which we are speaking—the land of the lovely and the brave—the seat of the sciences and the arts—the school of morality and religion? or are those attributes of excellence ascribed to us in mockery, in order to heighten our sense of sorrow and of shame? Yes! in a country second to none in wealth—in intelligence—in power—and I will add, too, in general purity of conduct and character—there yet remains this deadly plague-spot, which I call upon the members of this House to assist, to the utmost of their abilities, in endeavouring to wipe away. If this almost inconceivable amount of degradation is produced by fourteen houses only in this metropolis, what must be the mass of vice and immorality engendered by the 14,000 others, which rear their decorated fronts in every street and avenue, which ever way we turn,—though, like the whited sepulchres of old, they are—without, all gorgeousness and splendour—within, all rottenness and death;—and if the waste, disease, and crime, produced by intoxication in London alone, be thus enormous, what must be the aggregate amount of each in all the other towns and districts of England! The sum is so fearful that I shrink appalled from its bare contemplation. If we turn to Scotland, the prospect is quite as discouraging. From a letter, dated Edinburgh, April, 1834, written by an eminent physician of that city, Dr. Greville, I extract only the following passage:—

> I have been this day in the City Chambers, and have ascertained from the official records, that in the Royalty (or city), there were issued for the years 1833-4, no less than 736 licences. The Royalty contains 55,232 souls, and 11,046 families; this is, therefore, a licence to every fifteenth family. The whole population of Edinburgh and its suburbs, is about 166,000; but beyond the Royalty, the licences are mixed up with those of the county, and it is not so easy to obtain a distinct account of them. This, however, is well known, that three years ago there were only 1,700 licences in the whole of this district; so that the increase in that short space of time is enormous.

If we ask whether Ireland is affected with this deadly plague as well as Scotland and England, the answer must unfortunately be in the affirmative. In Dublin, and in Cork, the increased consumption of ardent spirits, and the consequent increase of disease and crime is undeniable, and testimonies might be multiplied on this subject to any required extent. But to take the north of Ireland, rather than the south, for an example—as the north is universally admitted to be in a higher state of order, and peace and comfort, than the south, I quote a single passage from a report drawn up by the rev. John Edgar, Divinity Professor in the Royal College of Belfast, dated in January of the present year, in which he says:—

> The demand for spirituous liquors is so universal, that spirit shops in the town of Ulster average sixteen, eighteen, and even thirty, to one baker's shop; and in some villages every shop is a spirit shop. In one town, containing only 800 houses, there are no less than eighty-eight spirit shops. The fruit of all this exhibits itself everywhere in the destruction of property, and peace, and health, and life, and happiness; in the increase of crime, the injury of the best interests of individuals, of families, and of the community at large.

Subsequently to the date of this report, I have received a letter from Mr. John Finch, of Liverpool, a gentleman well known for his intimate acquaintance with the lower orders of the people generally, from his having made their condition the subject of personal investigation and continued care. He says:—

> I have just returned from a six weeks' jour-

ney in Ireland, having visited all the principal sea-ports in that island, from the Giant's Causeway to Bantry and Wexford, and certainly the condition of the great mass of the people in that country is as miserable as it is possible; they are filthy, ragged, famished, houseless, herding with pigs, and sleeping on dung-hills, without regular employment, and working for sixpence, and even fourpence and fivepence per day. No doubt this wretchedness is in part owing to absenteeism, want of leases, high rents, and in *some trifling degree* to tithes; but I feel satisfied that drunkenness and whiskey-drinking are a greater curse than all these put together. Do you ask for proof? The finest mansions, parks, and farms in Ireland, belong to distillers and brewers; the largest manufactories are distilleries and breweries, and at least one out of every four or five shops in Ireland, is a dram or beer-shop: in one street in Belfast, I counted seven whiskey-shops together, on one side of the street. One of the Poor Law Commissioners told me at Waterford, that it had just been ascertained that 50,000*l.* worth of whiskey and other intoxicating liquors were sold at Clonmel in the retail shops last year, with a population of about 15,000; and it was believed that, in Waterford, with a population of about 30,000, nearly 100,000*l.* worth was sold in the same time. It is true these are market-towns of great resort, and therefore it is not to be supposed that it was all drunk by residents. Can we wonder, then, that the Irish people are so poor? I believe nothing can be done for their relief, unless means be first adopted to check this dreadful evil.

Among many of the baneful effects produced by this extensive spread of intemperance, the following are enumerated by Mr. Thomas Wallace, in his "Essay on the Manufactures of Ireland, in 1798."

A striking example of the mischiefs which may be done by a manufacture tending to deprave the morals of the people, has been exhibited for several years back in the distilleries of this kingdom. This manufacture, by producing ardent spirits in large quantities, and at a cheap rate, has emasculated the minds, and enervated the bodies of the poor of Ireland. It has spread its poison throughout every quarter of the country; it has rendered poverty more miserable, and rendered vice of all kinds more prevalent, and more ferocious. Of manufactures it has been the bane. It has disinclined and disabled the workman to perform his work with either accuracy or despatch; it has made him combine against his employer, to extort the means of dissipation, and it has made him more idle to spend them. In a word, it has filled our streets with beggary, riot, and vice—has raised the prices, and spoiled the quality of our goods, and has made the fertility of our island, instead of a blessing, a curse.

In the central parts of England, in the great manufacturing towns of Manchester, Leeds, Sheffield, and their surrounding districts, the evil is widely extending in every direction. In Manchester and the surrounding towns of Bolton, Stockport, Oldham, and others, the increase of spirit shops and spirit drinkers is greater, perhaps, than in any part of England. Take the following testimony as to the former, from the excellent work of Dr. Kay, an eminent physician of that town, "On the condition of the Working Classes:"—

Some idea (he says) may be formed of the influence of these establishments, the gin-shops, on the health and morals of the people, from the following statement, for which I am indebted to Mr. Bradley, the boroughreeve of Manchester. He observed the number of persons entering a single gin-shop in five minutes, during eight successive Saturday evenings, and at various periods, from seven o'clock till ten. The average result was 112 men, and 163 women, or 275 in forty minutes, which is equal to 412 per hour.

Mr. Robert Jowitt, a most respectable merchant and manufacturer of Leeds, states, that, according to the official returns, there were no less than 297 hotels, inns, and taverns, licensed in that borough alone; besides 289 beer-shops; making, in the whole, 586 houses furnishing intoxicating drinks, in which, calculating the receipts of the former as on the average of 17*l.*, and of the latter on the average of 3*l.* per week only, there would be expended the sum of 307,632*l.* per annum; and by far the largest proportion of this paid by the working people. In the *Sheffield Iris*, of the 17th of May, but a few weeks ago, is the following paragraph, which, though short, speaks volumes, as to the fearful increase of intemperance in the great district of which it is the centre. The paragraph is most appropriately headed, and is as follows:—

THE INTOXICATING MARCH TO DEATH.—It is a painful, but at the same time a most melancholy fact, that Mr. Badger, the coroner of this district, has, within the short space of ten days, had occasion to hold inquests on thirteen persons who have come to their deaths by accidents solely arising from indulging in the baneful vice of drunkenness.

Sir, it would be easy to multiply evidence of this description to any extent required. But I refrain from adducing any more. Here, in the immediate precincts of the seat of Legislation, under the venerable shadow of Westminster Abbey, as well as in other parts of this great metropolis, in Holborn, in Seven Dials, in Saffron-hill, on the north; in Southwark, and St. George's Fields, in the south; in Whitechapel, and Mile End, in the east; in the Strand, in Piccadilly, and in Oxford-street, in the west; as well as Smithfield, Barbican, and Shoreditch, in the centre;—every where, in every direction, in the heart, and around the suburbs of this mighty city, the demon of intoxication seems to sweep all before him with his fiery flood, while, in the remotest villages and hamlets of the country, as well as in the manufacturing towns, the evil has increased, is increasing, and cries with a loud voice from every quarter for redress. From the melancholy facts of the case, I pass, for a moment, to consider what appear to me to have been among the causes of this increased drunkenness among the humbler classes. The first of these I take to be the early example of their superiors in the higher classes of society, among whom, in periods not very remote, drinking to excess was so far from being regarded as a vice, that it was often boasted of as a sort of prowess, worthy of distinction and honour—when no entertainment was considered to be hospitably concluded, without the intoxication of the majority of those who partook of it—when ladies were obliged to quit the dinner table to prevent their being shocked by the excesses of the gentlemen who remained; and when the liberality of the host was tested by the number of the guests he had made drunk at his cost. Happily, for the better educated classes of society, this state of things, which many hon. Members whom I now address are old enough, no doubt, to remember, has passed away from them. But drunken servants began at length to imitate drunken masters; and intoxication being regarded as a proof of gentility and spirit, and a sign of property or credit in the drinker, the vice soon spread lower and lower in the ranks of society; just as any other bad habit, whether of dress or manners, after having been discarded by the upper ranks, with whom it first originated, descends progressively to their inferiors. Another cause has been, undoubtedly, the severe pressure of taxation, and the equally severe pressure of that excessive labour, by which alone a poor man could hope to find subsistence. These two causes operating conjointly, rendered it almost impossible for labouring men to provide themselves with homes of comfort, and therefore the blazing fire and easy chair of the tap-room at the public-house, possessed a more powerful attraction for them than an empty hearth, a damp floor, and a cold and comfortless lodging. They could not enter into this comfortable retreat without drinking something; the first glass begat only a thirst for the second; smoking was added by the landlord, to increase still more the thirst which he profited by quenching; and associates in all vicious habits commending each other, for the purpose of quieting the reproaches of conscience, the moderate drinker looked indulgently on the drunkard, till he became tainted with the destructive habit himself. The large size of the towns, increasing in every direction, making the old rural sports of England more and more difficult of access, and the lengthened hours of labour affording less time for healthful recreation, and forcing men to those more quickly excited pleasures of intoxication, were, no doubt, each auxiliaries to the causes I have described in towns; while the departure from the old and wholesome custom of farmers entertaining their labouring men beneath their own roofs, produced the same result of driving them to pass their evenings at public-houses in the country. Another cause may perhaps be found in the sanction given to the sale of spirits by a Government licence, which took away from the traffic, the disrepute which would, no doubt, otherwise have attached to it, if not so authorized. The Government deriving a large revenue from this source, again looked favourably even on the excesses which itself had in some measure created; and the large sums which flowed annually into the Exchequer, by the increased consumption of ardent spirits, made them encourage rather than repress the disposition in the people to swell the Treasury through this productive channel. The duties were, therefore, continually augmented, until they reached their maximum. This augmentation led to smuggling: and as the tax which the smuggler evaded was regarded as a hindrance to the enjoyment of the people, public sympathy ran rather with the violators than with the observers of the law. The smuggler became everywhere a welcome visiter. The rich and the middle classes, as well as the poor, delighted in cheating the Government by purchasing a contraband commodity. The very risk and secrecy of the transaction gave additional zest to its fruits. Spirit drinking, accordingly, increased extensively;

and while legal distilleries were encouraged for the aid they gave to the Treasury, illicit distillation, and unlawful importation, was encouraged by high duties; and the sellers of each left no exertion untried to increase the taste for a beverage, the sale of which brought them such large profits, and which, in its seductive nature, was calculated, if it could be but once implanted, to go on creating a vitiated appetite, which would grow by what it fed on, and know no bounds to its continued augmentation, till it destroyed its victim by his own excess. To meet the increased demand engendered by this increased dissipation, new houses of entertainment sprung up in every direction, in the shape of wine-vaults and gin-shops, in the large sea-ports and manufacturing districts, and taverns, and ale-houses, in the agricultural provinces. The Government, too, instead of checking the evil, added only fresh fuel to the already too rapidly devouring flame; and the reduction of the duty of ardent spirits on the one hand, and the increased facilities given to the sale of beer on the other, spread a flood of desolation over the whole surface of the country, which, departing from the mighty heart of the metropolis, was circulated in all the arteries and veins to the utmost extremities of the frame; and has been thence rolled back again in a torrent of such wide-spreading devastation, that it has scarcely left a single spot uninundated by its overwhelming waves. Let us seriously ask ourselves what have been the effects of all this. Alas! Sir, the answer is indeed a melancholy one. Deterioration of the public health, to such a degree, that our hospitals and asylums are filled with the victims of intemperance. Increase of pauperism in every parish, so that the poor rates bid fair to exceed the rental of the land. Destruction of public morals, by the brutalization of the old, and the prostitution of the young—the extinction of all honest pride of independence in the men, and the annihilation of all sense of decency in the women—the neglect of wives by their husbands, of children by their parents—and the breaking in sunder all those soft and endearing ties which heretofore were recognised as sacred among the humblest classes in society. These are but the outlines of this great chart of misery and degradation which drunkenness has traced out for our survey: the details are too full of sickening horror to be painted by any pen, or uttered by any tongue: they must be seen to be credited, and witnessed before they can be felt in all their force. As a matter of public economy—the lowest and the narrowest light in which it can be viewed—let a calculation be made of the national cost of all this evil, and it will be seen, that if the revenue derived from it were ten times its present amount, it would be far outbalanced by the tremendous loss which it inflicts on the nation. It is estimated, on carefully collected data, that not less than fifty millions sterling is expended in a single year, in England, Scotland, and Ireland, in spirits, wine, beer, and other intoxicating and fermented drinks; not a single drop of which is necessary, either for the health or strength of man, but every glass of which is, in its degree, absolutely prejudicial to the consumer. Here, then, are fifty millions of capital wasted—a sum equal to the revenue of the whole kingdom, as much thrown away as if it were sunk in the depths of the Atlantic. Nay, worse than that; for then it would be merely lost, and no more; but, from its being expended in intoxicating drinks, it gives rise to a long train of expenses besides. Of these, the hospitals and lunatic asylums may be put down at two millions; the county jails and town prisons, river hulks, and convict transports, with all the machinery of police and criminal jurisdiction, whether military or civil (for both are used) may be reckoned at five millions more; and the absolute destruction of property, in the burning of houses and their contents, the shipwreck of vessels, and the spoiling, and rendering useless, goods of various kinds, destroyed by neglect—may be estimated at at least three millions more. Let us add to this, the immense loss of time and productive labour, which will equal the sixty millions already enumerated. In a calculation that was made of the loss of wages—and consequently of productive labour worth those wages in amount; sustained by the members of the Trades' Unions, when they devoted a single day only to a procession through London, it was estimated, that the loss in wages by the whole number of those who either formed part of that procession, or lost their day by the suspension of business, in all the parts through which they passed, and the absence from their homes of those who accompanied it, was, at the least, 50,000*l.* Now, from the great prevalence of the habit of congregating to drink in parties on the Sunday, the Monday, and sometimes even on the Tuesday in each week, it may be safely calculated, that there is one such day as this lost in every town in the kingdom every week in the year. Supposing London alone, then, with its 1,500,000 inhabitants, to lose 50,000*l.* by the very partial suspension of its trade and productive labour in one week, fifty-two such weekly losses would exceed two millions and a-half per annum; and reckoning London as one-twentieth part of the whole kingdom, this would be forty-five millions for the whole. It may be, therefore, asserted, without fear of contradiction, that the aggregate expenses entailed, and losses sustained, by the pernicious habits of drinking, exceed 100 millions annually; that, in a mere pecuniary and economical sense, it is the greatest blight that ever cursed our country; and, like the canker worm, it is eating out its very vitals. There is another consideration connected with the economical part of the question, which ought not to be overlooked. Among the various public questions, which deeply engage the minds of all classes, there is not one, perhaps, of more general interest than that of the importance of increasing the quantity, and lessening the price of food to the labouring classes. Let us see for a moment, how this increased use of ardent spirits and intoxicating drink operates in that particular. The quantity of British made spirits (quite exclusive of foreign importations) has greatly exceeded twenty millions of gallons on the average of several years past, and now exceeds twenty-seven millions, having increased more than one-third within a very short space of time. This increased consumption of spirits I remember to have heard cited on one occasion by the right hon. the Secretary of the Treasury (Mr. Spring Rice), as a proof of the increased prosperity of Ireland, so exclusively is the Treasury idea of prosperity confined to the proof of money coming into the Exchequer, though that may be caused by the very impoverishment and misery of the people. But let us see how this increased consumption of ardent spirits decreases the supply of human food. It requires one bushel of grain to make two gallons of spirits; so that taking the legally distilled spirits made at home at twenty-seven millions of gallons, and the illegally-distilled spirits at half that quantity,—and in Scotland and Ireland it is much more,—these forty millions of distilled spirits would consume twenty millions of bushels of grain in a year. Here, then, is not merely a waste and destruction of that very food of which the labouring classes of England have not enough, and which they are demanding to be admitted from foreign countries, duty free; but it is a conversion of one of the best gifts of Providence—a wholesome and nutritious article of sustenance—into a fiery flood of disease, of crime, and of physical and mental destruction. We hang by the hands of the common executioner the ignorant rick-burner, who destroys the hay or straw laid up for the winter food of cattle; while we encourage and enrich the distiller and the vender of that far more destructive fire, which consumes twenty millions of bushels of the best food of man, which spreads its exterminating lava over the whole surface of society, which kills the body—which destroys the soul—and leaves no one redeeming or even palliating trace behind it. That the use of these drinks is not, in the slightest degree, necessary to health or strength, may be proved by the habits and condition of the people in other lands, and by the testimonies of personal experience and professional eminence in our own. In Turkey, in Persia, in Bokhara and Samarcand, which, though Mahomedan countries, have snow and ice during a large part of the year, and a climate more severe in many parts, during the winter, even than our own, the people use no stronger drinks than water, milk, and sherbet (a kind of pleasant lemonade) without the least admixture of fermented or spirituous ingredients; and, in health, strength, and beauty, they rank the first among the nations of the world. The pehlevans or athletæ, of Persia, as well as the wrestlers and quoit-players of Upper Hindoostan, are among the most muscular and powerful men that I have ever seen,—before whom the strongest European would quail; and these drink nothing stronger than water. In my own journies — during one of which I rode upwards of 800 miles on horseback, in ten successive days, or more than eighty miles a-day, in Asia Minor, and Mesopotamia, with the thermometer at the burning heat of 125 degrees in some parts of the journey, and below the freezing point in others, I drank only water, and still continue that pure and wholesome beverage, in the enjoyment of a health and strength, and capacity to sustain fatigue, such as, if my beverage were either beer, or wine, or spirits, I could not possibly enjoy. Nor am I a singular instance; for I have the pleasure to know many, who, having made the same experiment, and finding its benefit, have had the courage and the firmness to secure its perpetuation, amidst the scoffs and sarcasms of the world. On this subject, however, let me cite the following testimony, signed by no less a number than 589 medical men of the first eminence, in the principal towns of this kingdom: —

We, the undersigned, do hereby declare that, in our opinion, ardent spirits cannot be regarded as a necessary, suitable, or nourishing article of diet; that they have not the property of preventing the accession of any complaints, but may be considered as the principal source of numerous and formidable diseases, and the principal cause of the poverty, crime, and misery which abound in this country; and that the entire disuse of them, except under medical direction, would materially tend to improve the health, amend the morals, and augment the comfort of the community.

Let me add to this, the individual opinions of the following eminent members of the medical profession, in London, Edinburgh, and Dublin.

Sir Astley Cooper, Bart., Principal Surgeon to the King, says,—"No person has a greater hostility to dram drinking than myself, insomuch that I never suffer any ardent spirits in my house, thinking them *evil spirits*; and if the poor could witness the white livers, the dropsies, the shattered nervous systems which I have seen, as the consequences of drinking, they would be aware that spirits and poisons were synonymous terms."

William Harty, Physician to the Prison of Dublin, says,—"Being thoroughly convinced, by long and extensive observation amongst the poor and middling classes, that there does not exist a more productive cause of disease, and consequent poverty and wretchedness, than the habitual use of ardent spirits, I cannot, therefore, hesitate to recommend the entire disuse of such a poison, rather than incur the risks necessarily connected with its most moderate use."

Robert Christison, Professor of Materia Medica in the University of Edinburgh, says, —"The useful purposes to be served by spirituous liquors are so trifling, contrasted with the immense magnitude and variety of the evils resulting from their habitual abuse by the working classes of this country, that their entire abandonment as an article of diet is earnestly to be desired. According to my experience in the infirmary of this city, the effects of the abuse of ardent spirits in impairing health, and adding to the general mortality, are much increased in Edinburgh since the late changes in the Excise Laws, and the subsequent cheapness of whiskey."

Edward Turner, Professor of Chemistry in the London University, says,—"It is my firm conviction, that ardent spirits are not a nourishing article of diet; that in this climate they may be entirely disused, except as a medicine, with advantage to health and strength; and that their habitual use tends to undermine the constitution, enfeeble the mind, and degrade the character. They are one of the principal causes of disease, poverty, and vice."

I cannot forbear adding to this, the fact of two experiments having been recently tried, one among the anchor-smiths in one of the King's dockyards, and another among the furnace men, or smelters of tin ore, in Cornwall. As, in each of these occupations, the heat of the fires is excessive, and the labour great, it had been always hitherto considered necessary to grant an unlimited supply of beer to the persons engaged in it. But a party of each were prevailed upon, for a sum of money divided among them, to try the experiment of working a gang of water-drinkers against one of beer-drinkers, each equal in number and average strength; and the result of both the experiments went to prove that the water-drinkers could sustain the greatest degree of heat and labour with the least exhaustion or inconvenience. This is the case in England. I will add only a short paragraph from the valuable testimony of a well-known authority, Henry Marshall, Esq., Deputy Inspector-General of Army Hospitals. In a valuable paper on the impolicy of issuing ardent spirits to the European Troops in India, he says:—

The first error, with respect to the use of ardent spirits which I mean to oppose, is, that they contribute to enable men to undergo great fatigue. This is, I believe, a very common error. Spirits never add permanent strength to any person. In all climates, the temperate livers are the fittest to endure fatigue. Dr. Jackson travelled 118 miles in Jamaica in four days, and carried baggage equal in weight to the common knapsack of a soldier. He says; "In the journey which I have just now mentioned, I probably owe my escape from sickness to temperance and spare diet. I breakfasted on tea about ten in the morning, and made a meal of bread and sallad after I had taken up my lodging for the night. If I had occasion to drink through the day, water or lemonade was my beverage." He concludes his observations on this topic, by stating,—"I have introduced my own experience on the present occasion, because it enables me to speak from conviction, that an English soldier may be rendered capable of going through the severest military service in the West Indies, and that temperance will be one of the best means of enabling him to perform his duty with safety and effect." Personal experience has taught me, that the use of ardent spirits is not necessary to enable a European to undergo the fatigue of marching in a climate whose mean temperature is between 73° and 80°, as I have often marched on foot, and been employed in the operations of the field, with troops, in such a climate, without any other beverage than water and coffee. So far from being calculated to assist the human body in enduring fatigue, I have always found that the strongest liquors were the most enervating, and this in whatever quantity they were consumed; for the daily use of spirits is an evil habit, which retains its pernicious character through all its gradations; indulged in at all, it can produce nothing better than a more diluted or mitigated degree of mischief."

Let the following short testimonies of three eminent physicians,—Dr. Rush, in America; Dr. Trotter, Physician to the Fleet, and one of the most experienced medical men ever possessed by the navy of England; and Dr. Paris, a gentleman of extensive practice in London, be added; and the evidence on this branch of the subject will be complete.

Dr. Rush says,—"Since the introduction of spirituous liquors into such general use, physicians have remarked, that a number of diseases have appeared amongst us, and have described many new symptoms as common to all diseases." Dr. Trotter says,—"Amidst all the evils of human life, no cause of disease has so wide a range, or so large a share, as the use of spirits."—"Spirituous liquors (he adds) destroy more lives than the sword; war has its intervals of destruction, but spirits operate at all times and seasons upon human life." And Dr. Paris says,—that "The art of extracting alcoholic liquors by distillation must be regarded as the greatest crime inflicted on human nature."

Notwithstanding this, with an infatuation most blind and besotted, and too much, I regret to say, fostered and encouraged by those of their superiors who talk of the "comfort and refreshment" which these deadly poisons afford to the labouring classes, we see the town and country population, with sickly countenances—sunken eyes—pallid cheeks—livid lips—enfeebled knees—palsied heads and tremulous hands—absolutely diminishing in stature, and becoming uglier in feature—begetting a progeny which, besides partaking of the diseased constitution of their parents, are initiated into the use of the insidious poison in their very infancy by the parents themselves, and are growing up more feeble in bodily strength, more weak in mental power, and more vicious and degraded in moral conduct, than even their parents themselves, to whom they are inferior in physical stamina, but whom they exceed in self-abandonment and dissipation. There are some, however, who, though they admit the injurious effects produced by the general habit of intemperance, deny that the habit itself has increased; and for their conviction, I venture to adduce the following remarkable facts, taken from a very valuable little work, published only four years ago, entitled, "An Inquiry into the Influence of the Excessive use of Spirituous Liquors in producing Crime, Disease, and Poverty in Ireland;" compiled from the most authentic and official documents, and exhibiting most remarkable results. On the subject of the increased prevalence of intemperance at present, as compared with former periods, the writer says:

But there is in the collection of London Bills of Mortality, an item which enables us to judge, with some degree of correctness, of the alteration which had taken place in the habits of the population of the metropolis. The item to which we allude is that of 'deaths by excessive drinking.' Examining the London Bills of Mortality we find, that, with one exception, there is no record of death by excessive drinking until the year 1686; nor did the average exceed *one* annually for thirty years after that date. But we find that when, by legislative encouragement to distillation for home use, spirits became the general beverage, deaths by excessive drinking so rapidly increased, that their average, for the thirty years between 1721 and 1750, exceeded *thirty-three* annually; that is, that there were nearly as many deaths from intoxication in *one year* when spirits were used, as there were in the entire *thirty years*, between 1686 and 1715, when ale was the chief drink of the citizens.

The Dublin Bills of Mortality show, that the effect in that City was the same. In twenty years, between 1726 and 1745, there were but *three* deaths by excessive drinking recorded; ale being, during that time, the principal drink of the labouring classes; but when the encouragement to distillation for home use rendered spirits the more general drink,—that is, between the years 1746 and 1757,—there died from intoxication (on an average) *in each year*, more than double the number that had died in the entire of the preceding twenty years.

Nor is the effect of prohibitions to distillation, in producing sobriety, less remarkable. In the three years prior to the restriction on distillation in England, in 1751, the annual average of deaths by excessive drinking, in London, was *twenty-one*; in the three years after that partial restriction, the deaths averaged only *twelve*; but, in the three years between 1757 and 1760, when distillation was totally prohibited, the annual average of deaths was but *three*.

Let this be compared with the fact of thirteen deaths in ten days, from excessive drinking, as reported by the coroner, in the district of Sheffield alone, and the contrast is frightful. To show that in England, up to the latest date, the same effects are produced by the same causes, let me add the following short but convincing testimony from the most authentic source:—

> Mr. Poynder the Sub-sheriff of London, states, that he has been so long in the habit of hearing criminals refer all their misery to the habit of dram-drinking, that he has latterly ceased to ask them the causes of their ruin; nearly all the convicts for murder with whom he had conversed, had acknowledged that they were under the influence of spirits at the time they committed the acts for which they were about to suffer. Many had assured him, that they found it necessary, before they could commit crimes of particular atrocity, to have recourse to dram-drinking as a stimulus to fortify their minds to encounter any risk, and to proceed to all lengths; and he mentions the cases of several atrocious offenders, whose depravity was by themselves attributed to, and was, on investigation, found, to have originated in, such habits of intoxication.

Sir, I ask the House, as a body of intelligent English Gentlemen, as husbands and fathers, as legislators and guardians of the public weal, ought such a state of things as this to continue? I ask, whether the picture I have drawn is not literally and painfully true? And I equally ask, whether the time is not fully come, to demand, that we should apply a remedy? It will be said, perhaps, by some, though I think there will be few, that the evil is beyond the province of legislation, and can only be met by prospective measures of education, moral training, religious instruction, and other aids of this description. Sir, I am far from undervaluing these powerful and benign agencies in human improvement. But the evil requires present checks, as well as remedies more remote. If the public health is injured—nay, if it is even threatened with only a probable injury, do we not establish quarantines, and interdict commercial intercourse, at immense sacrifices of property, because we will not endanger the life of even one of the King's subjects, by permitting the crew to land, or the cargo to touch the shore, till every ground of apprehension has been removed? If the cholera should appear in any of our towns, notwithstanding every precaution suggested by individual prudence and self preservation, do we not compel certain regulations of cleanliness and police? Do we not arm medical boards with power to impose quarantine, and to guard the public health, at whatever sacrifice of other objects, if the removal of these be necessary to attain their end? What, then, is this but legislative interference with the freedom of intercourse and the freedom of trade? It is as much our duty to maintain the public peace as to save the public health, and, therefore, we have a yeomanry, a militia, a body of watchmen and police. We recognize the propriety of preserving the public morals, by the institution of our courts of law, by the suppression of gambling-houses and brothels, the prevention of prize-fights, and the apprehension and punishment of pick-pockets and thieves; and, in doing all this, we but do our duty. If, then, drunkenness, be equally injurious to the public health, destructive of the public peace, and dangerous to the public morals of the community—and who will venture to deny that all these effects are produced by it?—why should it not be equally subjected to legislative interference, and checked by legislative control? Drunkenness is in itself a crime, as much so as adultery, or lying, or theft. As such it is denounced by religion, in terms which no man can misunderstand; and the drunkard is especially declared to be unworthy of inheriting the kingdom of God. But, in addition to its being a crime in itself, it is either the parent and source, or the most powerful auxiliary, of almost every other crime that exists. In proof of this assertion, let me adduce the following testimony from the last report of that admirable institution, "The British and Foreign Temperance Society," of which the Bishop of London is the president, and of which many eminent men of all professions are now become members. That report says:

> The quantity of spirits which pay duty for home consumption in this kingdom has more than doubled within a few past years. According to Parliamentary returns, made in 1833, it amounted to 25,982,494 gallons at proof, which, with the addition of one-sixth for the reduction of strength by retailers, amounted to 13,429,331*l.* 5*s.* 10*d.*; and this sum does not include any part of the many millions of gallons known to be illicitly distilled, or imported without paying duty.
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> Four-fifths of all the crimes in our country have been estimated to be committed under the excitement of liquor. During the year 1833, no less than 29,880 persons were taken into custody by the metropolitan police for drunkenness alone; not including any of the

numerous cases in which assaults or more serious offences have been committed under the influence of drinking; and it should be observed, that this statement relates only to the suburbs of London, without any calculation for the thousands of cases which occurred in the city itself.

Our parochial expenses, which have been nearly doubled since 1815, are principally occasioned by excessive drinking. Of 143 inmates of a London parish workhouse, 105 have been reduced to that state by intemperance: and the small remainder comprises all the blind, epileptic, and idiotic, as well as all the aged poor, some of whom would also drink to intoxication if opportunity offered.

More than one-half of the madness in our country appears to be occasioned by drinking. Of 495 patients admitted in four years into a lunatic asylum at Liverpool, 257 were known to have lost their reason by this vice.

The poor's rate and county rate, for England and Wales only, amount to 8,000,000*l.* The proportion of this expenditure occasioned by drinking may be most safely estimated at two-thirds, say 5,333,333*l.*; which, added to the cost of spirits, alone 13,429,331*l.*, gives the sum expended by this nation, in the last five years on these two objects only, at 93,813,321*l.*; amounting, in only twenty years, to three hundred and seventy-five million pounds sterling; without including any computation for the enormous sums consumed in the *abuse* of wine and beer, the expenses of prosecutions, the injury done to our foreign trade, the loss of shipping, and the notorious destruction of property in various other ways.

Are these evils of sufficient magnitude to demand legislative interference, or are they not? I hear every one instinctively answer yes! and after the recent admission in this House, that the smaller evils of the beer-shop required a legislative remedy, it is impossible that the same assembly can refuse its assent to the proposition, that the greater evil of the gin-palace requires equal correction and cure. It is not, Sir, I am well aware, a very popular topic to quote America as an example in this House; but as the conduct of her legislators in this respect arises in no degree from their republican principles, it may be cited without alarming any political opponent, and will be approved, I think, on all sides,—by the moralist and Christian at least. My chief reason for doing so is, however, to show that a Government can do much, even to improve the public morals, by its judicious interference; and that, too, without the slightest violation of rational liberty, or without risking popular dissatisfaction. Public opinion having been strongly awakened to the evils of intemperance in America, private societies were first formed for preventing, as far as their influence could effect it, the further spread of this evil; and when they had acquired a strength in the country, by the number and respectability of their members, the Legislature voluntarily came forward to second their efforts by their powerful aid. The first step taken by the American government was, to issue the following orders, which are dated from the War department of the Army, on the 2nd of November, 1832.

Hereafter no ardent spirits will be issued to the troops of the United States; but sugar, coffee, and rice shall be substituted instead. No ardent spirits will be allowed to be introduced into any port, camp, or garrison of the United States, nor sold by any sutler to the troops, nor will any permit be granted for the purchase of ardent spirits.

About the same period, the Secretary of the Navy was instructed to select one of the ships of war, for the purpose of trying the experiment of abolishing the use of spirits by the seamen; which succeeded so well, and was so soon adopted by the mercantile marine, that, at the present moment, there are no less than 700 American vessels sailing, without a single gallon of ardent spirits on board, and this too, to all parts of the world, amid the icy seas of the arctic and antarctic circles, and in the burning regions of the torrid zone. One of the most striking proofs that could be adduced perhaps, of the acknowledged value of this abandonment of the use of spirituous drinks at sea, is to be found in the fact, that these American vessels find freights, from a public confidence in their greater safety, when English ones cannot obtain them at all: and, but recently, when the eminent house of Baring, Brothers and Company, of London, wrote to their agent in Amsterdam, to know how it was, that freights were not obtainable for their vessels, the reply returned by the agent was, that there were American ships in port, in which the captain, officers, and crew, alike abstained from the use of ardent spirits; and that, till these were all supplied with freights, no English ship would be engaged. Still more recently, and as a consequence, no doubt, of this communication, the same distinguished merchants, have lately launched a noble vessel in the River Thames, destined for the newly opened trade to China, which is to take no ardent spirits for the use of any one on board, except a small quantity in the medicine chest, as arsenic, or laudanum, or any other poisonous drug, to be administered only by the skilful hand of the surgeon; and the public opinion in favour of the wisdom and safety of such a step, is abundantly expressed by the simple fact, that the insurance upon her voyage has been effected at five per cent premium, instead of six paid by vessels taking spirits: and, considering the risks incurred by the possible drunkenness of any of the officers, or men, at sea, and the risk of fires from the same cause, the difference in the premium is fully justified by the diminished danger of the case. Let no one imagine, that discontent among the seamen would be the probable result of such an arrangement. The most experienced of our naval commanders know well, that drinking is the chief cause of all the disobedience and discontent ever manifested at sea. The excellent Captain Brenton, of his Majesty's Navy, who takes so deep an interest in the improvement of the service, has again and again declared, that if ardent spirits were withheld, flogging would never be necessary; and the gallant Captain Ross has proved, by the good health and perfect discipline of his intrepid little band, who were buried amidst the polar snows for many months, without a single drop of ardent spirits, that it is neither necessary to health or contentment: but comparing their own condition with that of other crews, in far less perilous situations, they have good grounds for concluding, that ardent spirits are detrimental to both. Nor is it in the navy only, that the absence of ardent spirits leads to improved discipline, and its use produces insubordination; as the testimony of Mr. Marshall, the Army Physician, whose authority I quoted before, will show. He says:

> Military discipline, in all its branches, becomes deeply affected by habits of intemperance. To the generally prevailing vice of drinking are to be attributed almost every misdemeanour and crime committed by British soldiers in India. The catalogue of these, unhappily, is not a scanty one; for, by rapid steps, first from petty, and then more serious, neglects and inattentions, slovenliness at, and absence from, parades, follow disobedience of orders, riots and quarrels in barracks, absence from guards and other duties, affrays with the natives, theft, and selling of their own and their comrades' necessaries, robberies, abusive language, and, violence to non-commissioned officers, insolence to officers, and, last of all, desertion, mutiny, and murder may be traced to this source. This frightful picture is not exaggerated. I have seen thirty-two punished men in a regimental hospital at one time. Perhaps not a single individual of that number suffered for a crime which was not a direct or indirect consequence of the immoderate use of spirits. I recollect attending at the punishment of seven men of the same regiment, who received among them 4200 lashes. They had been all tried for crimes arising from habits of intemperance.

The Duke of Wellington, in the regimental orders issued to the Grenadier Guards in October of the last year (1833) dwells at large on the fact of increased crime in the Army resulting from increased drunkenness; and attributes all the breaches of discipline and other offences principally to this cause: a fact also which has been tacitly admitted by the Secretary at War, who recently expressed his apprehension at the abolishment of military flogging, because insubordination and crime had latterly increased in the British Army. The cause of that increase was clearly seen by the Duke of Wellington, as arising from increased drunkenness; and the increased drunkenness arose from those increased facilities created by the gin-shops, staring the passenger in the face at every step of his way through almost every part of the great thoroughfares of this metropolis. The example followed by the American Government, of withholding all supplies of spirit rations to the troops, would have at once effected the cure. Passing from the American army, navy, and mercantile marine, we find that the Legislature has not been indifferent to the subject, in the interior towns. In the state of Vermont, an animated debate occurred on the question, whether the corporations of the towns in that state should have the power to grant any licenses at all for the sale of ardent spirits: and the result of the discussion was, a withholding of that right, on the ground that ardent spirits were a deadly poison; a sentiment already quoted from Sir Astley Cooper, who, for that reason, would never permit any to be kept in his house; and that, therefore, the State ought not to sanction, by their license, any traffic in it at all, except as other poisons, under the care of a discreet and prudent dealer in medicines. The state of Ohio soon after imitated this example. In the state of New York the towns have been empowered, by an annual meeting of their inhabitants, to determine by a majority of householders' votes, whether any, and how many, retailers of spirituous liquors, shall be licensed in their respective communities. In the whole county of Plymouth, in the state of Massachusets, where there are 40,000 inhabitants, not a single person is now licensed to sell spirits. In the month of February, 1833, a society was formed, composed entirely of members of the National Congress, and officers of the public service, civil, naval, and military, for the progressive abolition of the use and sale of ardent spirits; so as to give to this object all the weight of the highest Government influence. Their first meeting was held in the Senate Chamber—the honourable William Watkins, one of the members of the Senate, being called to the chair and the honourable Walter Lowrie, the Secretary to the Senate, acting as secretary to the society thus formed. The House of Representatives entered as cordially into this association as the House of Assembly, and the local legislatures of the several states have almost wholly followed their example. The result of all this united power of public opinion, and government authority and example, cordially operating together, has been this: that in America, within the last few years only, more than 2000 persons have voluntarily abandoned the distillation of ardent spirits, and invested their capital in more wholesome and useful pursuits; and upwards of 6,000 persons have abandoned the sale of ardent spirits, and converted their houses and their stock in trade to better purposes.

Sir, these are facts which speak so loudly, that they need no commentator to expound their meaning. They show what the force of public opinion has effected in America, in enlisting the Legislature to engage in the work of moral and social Reform; and they prove how extensively that Reform may be safely and usefully carried, when a people and their rulers cordially co-operate together for the accomplishment of one common end. I ask myself, then, has public opinion yet expressed itself in England, with sufficient power and sufficient intelligence to deserve legislative aid? Let the answer be seen in the following extract from an official Report.

The first European Temperance Society was established in 1829, by the exertions of Mr. G. W. Carr, at New Ross, in the South of Ireland, and others were early formed in the north of that island, and in Scotland. Their principles have been spread with much zeal and perseverance, and with most cheering success, among the manufacturing population of the north of England; Lancashire and Yorkshire alone, where the earliest efforts were made containing above 30,000 members. Above four hundred Temperance Societies and Associations have been formed in England, including the interesting islands of Guernsey, Jersey, and Man; the whole comprising, according to the latest returns, more than 80,000 Members. Scotland, under the direction of the vigorous Committee of the Scottish Society, numbers about 400 societies, and 54,000 members. In Ireland, notwithstanding numerous disadvantages and difficulties, about 20,000 persons have joined the standard of Temperance Societies.

At the head of the great Metropolitan Society stands the name of the Bishop of London; followed by nine other Prelates of the Established Church, and eight members of the House of Peers. Among the Vice-Presidents of the Society are six Members of the House of Commons, ten Admirals, four Generals, three Physicians, and many more of the clerical, legal, and other liberal professions. At their last anniversary, held only a few days ago, the Bishop of Winchester in the chair, not less than 4,000 persons were present, who manifested the most intense interest in the proceedings. Already have a great number of petitions been laid upon the Table of the House during the present Session only, signed by persons of the highest respectability, praying the House to institute at least an inquiry into the subject: so that by collecting and arranging the evidence on this notoriously prevalent evil, a Committee might be enabled to suggest for mature consideration, and, if approved, for ultimate adoption, such legislative measures as might to them seem best calculated to arrest its future progress, and, if possible, lessen its present amount. Sir, it is for such a Committee that I now ask; in order that the Legislature, by giving its sanction to the inquiry which is proposed as its first step, may strengthen that public opinion which, though already loudly expressed on this subject, will be more than doubled in its force by the approbation of the senatorial voice. In that Committee the various suggestions that may arise can be calmly and patiently discussed. The House acceded to the Motion of the noble Marquess, the member for Buckinghamshire, (Lord Chandos) during the last Session, for an inquiry into the operations of the Beer Bill, with a view to ascertain whether any and what measures could be devised for the better regulation of the Beer-houses in the rural districts; and, upon the evidence so obtained, the hon. member for Kent (Sir Edward Knatchbull) has framed, and passed through a second reading, supported by an immense majority, the Bill for further restricting their privileges, and lessening the amount of the evils they have produced. Will the House then say, that though the sale and consumption of beer among the thinly-scattered population of the agricultural districts is a fit and proper subject for legislative inquiry and legislative restraint, that the sale and consumption of ardent spirits in the thickly-peopled towns is too harmless to be disturbed? This would indeed be "straining at the gnat and swallowing the camel." But of such an absurdity as this I will not believe the House to be capable. The objection that is urged against any legislative interference in such a matter as this I have already partly anticipated and answered, when I have shewn, that we interfere, and properly so, to prevent, by legislative measures, the spread of disease, and poverty, and crime; and if we believe drunkenness to be injurious to society as a powerful instrument in producing all these, we are perfectly justified in interfering to stay the progress of its devastating influence. The author of the inquiry, whom I quoted before, has a passage, however, so appropriate to this subject, that I quote it as strengthening greatly the argument in my favour. He says,

> We are aware, that there are many who may object to this species of monopoly as a restriction on the freedom of trade; some who consider that the occupation of a publican should be as unfettered as that of a shoemaker, or a tailor, and that the man who has a desire for drink, and the money to pay for it, should have every opportunity of getting drunk, if he has the misfortune to wish it. But let it be recollected, that the very first law of society is, that individuals shall not be permitted to do that, which, although considered beneficial to themselves, may be injurious to the community at large. The Statute-book is full of restrictions founded on this principle. No man can continue to work a factory if it be injurious to the health of those around him. A butcher is not permitted to expose for sale unsound meat. A baker is not permitted to sell unwholesome bread, because it is held criminal to place within the reach of any man that, the use of which is injurious to him. No man is permitted to keep a public gaming-house, because it is considered criminal even to tempt a man to risk his property, or to provide him with the means of squandering the substance of his family. Nor is any one permitted to have indelicate exhibitions, or to use other temptations to vice. Why then should the sale of ardent spirits be unrestricted, when their baleful influence on health and morals is acknowledged? And should it be considered less criminal to tempt a mechanic or a labourer, to squander his wages, and to destroy his morals and his health, by the excessive use of spirits, than to do it by any other means?

As it may be expected of me, however, that I should state more specifically some of the few remedies that I should venture to suggest to the Committee when granted (though their adoption would of course depend on their subsequent approval by them for their report, and by the House itself before any enactment could give them the force of law), I will venture to enumerate the principal ones.—1. I should recommend the payment of all wages to be made before ten o'clock in the morning of Saturday, instead of any later period of that day, or even on Friday evening, because the transition from the pay-table to the regular labour of the day, instead of to the entertainment of the evening, would in itself be a powerful lessening of the temptation to drink.—2. That workmen should never be paid at any public-house, or place, where intoxicating drinks of any kind were sold, whether by their employer or any other person—3. To permit no new spirit-shops to be established, or old ones to have their licences renewed, but by the requisition of a considerable number of householders residing within the immediate vicinity of the shop itself, and even then only on large securities for the good conduct of its keeper. 4. To close all those that do exist, the entire day on Sunday, and at an earlier hour than at present on other days; and otherwise so to regulate them as to combine the two objects of giving great openness and publicity to all their proceedings, and of preventing any protracted stay of the visitors on the premises.—5. To make it imperative on the Police, or other officers exercising the duty of guardians or watchmen during the day or night, to apprehend and take to some appointed station for that purpose, all persons found, either in the spirit shops, or in the streets, in a state of intoxication, there to be confined, for a limited period, nor to be released until restored to sobriety. The tendency of all these restrictions would be to lessen the number of spirit shops, and, consequently, the number of spirit drinkers; and these I should consider the most effective of the immediate checks. If there be any who think, that lessening the number and the force of the temptations to crime of any kind will not lessen the amount of crime committed, it would be in vain to hope for their acquiescence in my views; though, to be consistent with themselves, they should remove all the restraints of law and police on robbers, murderers, and incendiaries. It has been well said, that there are effects which in their turn become causes, and this is the case with the increased number of spirit-shops: they are, perhaps, at first, the effects of an increased desire for intoxicating drinks. But they soon become causes of increasing the propensity they seek to gratify. Rival establishments endeavour to outvive each other in the number and strength of their allurements; and thousands are every day seduced into the vortex of drunkenness, who, but for these allurements and temptations, would never have fallen victims to its destructive power; so that every new licence granted by a Government to a retailer of ardent spirits, is in reality a Commission given to that individual by the supreme authority of the State, to use every art and every stratagem to tempt others of his fellow-men to their ruin! And let it not for a moment be supposed that the lessening the number of the spirit-shops, or the abatement of the consumption of ardent spirits, would be an invasion of the poor man's rights or comforts, or would abridge his pleasures, or lessen his enjoyments. Not to cite the evidence with which American official documents abound as to the large increase of happiness to the people who had been reclaimed from spirit-drinking, by the diminution of spirit-shops, the cessation of distilleries, and the suspension of the vast machinery of poverty, disease and crime, I content myself with citing a single passage from the well known work of Mr. Colquhoun, in his treatise on the police of London, the last authority I shall quote. That careful and accurate observer of the condition of the people in this metropolis says, at p. 328 of his able work:

> It is a curious and important fact, that during the period when the distilleries were stopped, in 1796 and 1797, although bread and every necessary of life was considerably higher than during the preceding year, the poor, in that quarter of the town where the chief part reside, were apparently more comfortable, paid their rents more regularly, and were better fed than at any period for some years before, even although they had not the benefit of the extensive charities which were distributed in 1795. This can only be accounted for by their being denied the indulgence of gin, which had become in a great measure inaccessible from its very high price. It may fairly be concluded, that the money formerly spent in this imprudent manner had been applied in the purchase of provisions, and other necessaries, to the amount of some hundred thousand pounds. The effects of their being deprived of this baneful liquor, was also evident in their *more orderly conduct, quarrels and assaults were less frequent*, and they resorted seldomer to the pawnbrokers' shops; and yet during the chief part of this period, bread was 1*s.* 3*d.* the quartern loaf; meat higher than the preceding year, particularly pork, which arose in part from the stoppage of the distilleries, but chiefly from the scarcity of grain.

The Chancellor of the Exchequer may, perhaps, feel some apprehension for the revenue at present derived from so prolific a source as the consumption of ardent spirits, and he may fear to arrest the torrent of drunkenness that desolates the land, lest pecuniary defalcation to the Treasury should result. But, let me calm the anxieties of the noble Lord on that score. I shall neither propose to increase the duty suddenly and greatly, and so encourage smuggling; nor lessen it in the slightest degree, and so encourage consumption; though I should be disposed to recommend a reduction of the duties on malt, on light French wines, on tea, coffee, and other equally wholesome beverages, to substitute for the pernicious poison of spirits in every shape, the imposts on which might be gradually heightened as the duties on the former were progressively decreased. My object would be, first, to prevent any further increase to the number of houses now devoted to this guilty and destructive traffic; next, gradually to reduce the number as well as the strength of the auxiliary temptations with which they now abound; and, lastly, to put those that may remain under such wholesome regulations as shall at least abate, if not wholly extirpate, the disease and crime of which they are the present dens. In addition to such present remedies as may be added, to meet the present evil, I shall be prepared to show, that we might greatly prevent its further spread, by establishing adult as well as infant schools, aided by humble museums, and collections of works of nature and of art; so exciting to rational curiosity, and so powerful in refining the tastes and feelings of the least informed; as well as by instituting instructive and entertaining lectures on popular branches of knowledge, and encouraging the establishment of parish libraries, and district reading-rooms, provided with cheaper and more innocent refreshments, than the liquid poison now consumed, so as to afford to the labouring population that opportunity of social meeting, and cheap exhilaration, which their daily toils entitle, as well as prepare them, to enjoy; and affording them opportunities for the development of their mental faculties and moral feelings, by that collision of opinion and interchange of sentiment, which, under sober exercise, is a fruitful source of attachment and esteem, but which under the influence of intoxication, degenerate into bitterness and strife. All this, Sir, I feel assured, if the Committee for which I ask be granted, we may do, even for the present generation, who deserve our earliest and most immediate care. And when we have stayed the inundating flood, and prevented it from engulphing in its devouring waves, the strength and virtue of our land; then may we turn to that rising generation whose tender years call loudly for our paternal care, and, providing for them a system of national and universal instruction, teach them that it is their interest to be sober, industrious, and well informed, leaving them, prepared with the elements of knowledge at least, to work out this problem for themselves, and to enjoy its demonstration in their own improved condition and augmented happiness, produced by the national tuition wisely and well applied. From such a state of renovated health in the now diseased portion of society, what wealth might we not anticipate! The Exchequer, instead of being fed on the one hand, as it now is, by a revenue of 4,000,000 or 5,000,000, from the consumption of intoxicating drinks, and drained on the other of 15,000,000*l.* or 20,000,000*l.* from our Poor-rates, and hospitals, and gaols, and hulks, and armies and police, would be receiving, from the consumption of more wholesome and nutritious articles, and from the profits of productive industry, now utterly lost and cast away a revenue of 15,000,000*l.* or 20,000,000*l.* on the one hand, and on the other be drained of 4,000,000*l.* or 5,000,000*l.* only, for the maintenance of an army of schoolmasters; an ordnance department of books and materials of instruction; a war office, to assist the conquests of knowledge over ignorance; dock-yards and arsenals to construct and equip ships for conveying the healthy, and industrious, and enterprising of our unoccupied population to lands, where their superior intelligence and habitual sobriety would make their well-directed labours a source of wealth to themselves and of blessings to others. These, Sir, are but a portion of the advantages, which anticipation shadows forth in the future, if we have but the courage and the virtue to reclaim our unhappy countrymen, from the two debasing influences which now weigh them down—ignorance and demoralization. And if we believe, that that Supreme Being, whose blessings we invoke on every occasion of our assembling in this House, to pursue the solemn duty of legislative improvement, does really hear our prayers, and regard our actions with pleasure or pain, let us be assured that the most acceptable, because the most effective manner in which we can evince our gratitude to Him, for the blessings of health, and instruction, and happiness which we enjoy, is to extend those blessings to the greatest number of our fellow beings, and spread the sunshine of comfort, in which we ourselves are permitted to bask, over those who are now buried in the chilly gloom and deadly darkness of ignorance and intemperance combined. Believing, therefore, that Parliamentary investigation and legislative measures founded thereon, may greatly accelerate the accomplishment of this desirable end, I beg leave, Sir, to move in the words of the original resolutions. "That a Select Committee be appointed to inquire into the causes of the increase of habitual drunkenness among the labouring population of the United Kingdom, and to devise legislative means to prevent the further spread of this great national evil."

Sir *George Strickland* rose to second the Motion. He fully agreed with the hon. Member who brought forward the Motion, that nothing could be more desirable than to check as far as possible the vice of drunkenness, though he regretted, that the hon. Member had not mentioned all the remedies for the evil. Neither did he think that the hon. Member had pointed out the means by which the Committee could come to a satisfactory result, and thought, that it was the duty of the House not to appoint Committees unless they were likely to lead to some useful legislation. The hon. Member had referred to the payment of wages; but he must say, that he was not disposed to interfere with the mode of paying labourers' wages at present established throughout the country. This was a subject to which he had paid particular attention, and he knew that in the manufacturing districts there was a great objection to altering the day of payment from Saturday to Friday. Indeed, he did not think it practicable to do this with any good effect. He agreed that gin-shops and the beer-shops should be placed on an equal footing, for he could not see why beer-shops should be closed, and gin-shops be permitted to remain open all night. He also agreed, that it was to the education of the people that they should look as the chief and best means of checking the vice of drunkenness. He was sorry to see this vice so much on the increase. In former times, drunkenness was much more harmless than at present. Although he did not accord in the general views of the hon. Member, still he should support the Motion, because he thought that a Committee would make some useful investigations into the police regulations as regarded public-houses. He should certainly wish to see those houses closed altogether on the Sabbath-day. In this respect, the Committee might be of use, and he should, therefore, give his most hearty concurrence to the appointment of one.

Lord *Althorp* did not think it necessary to go again into this subject after the various discussions it had already undergone. There could be no doubt that much drunkenness prevailed in the country, and particularly in the metropolis; but he did not think, that it would be desirable to appoint a Committee on the subject, unless there was a prospect of effecting some good through its means. The hon. Gentleman who seconded the Motion, objected to the grounds laid for it by the hon. Member who brought it forward; but he laid other grounds of his own on which he thought the Committee ought to be granted, and these were chiefly, that no public-houses should be open on Sunday, and that no spirits should be sold except where beer was sold. To accomplish these two objects, if the hon. Gentleman thought them so desirable, there was no occasion for a Committee, as it might be much more easily done by a simple Bill. For his own part, he could not see, if people would get drunk, what difference it made whether they got drunk on the Friday or the Saturday; and, as to paying them their wages at an early hour on Saturday in preference to a late hour, he thought the change would be for the worse, as they would have the whole day to get drunk. He had always been of opinion, and was so still, that the best means of lessening the vice of drunkenness as well as all other vices, amongst the people, was to educate them; but he did not believe, that it was possible at all times to prevent persons from getting drunk if they chose to do so. He did not see any beneficial effect that was likely to arise from the Committee for which the hon. Member had moved, and he could not, therefore, support the proposition.

Mr. *Cobbett* said, he had published twelve sermons, one of which was upon the subject of drunkenness. Now, if the noble Lord and the Government were desirous to put an effectual stop to this degrading vice, the best thing they could do would be to purchase one or two million copies of this sermon, and circulate them throughout the country.

Mr. *Robinson* saw no probability that any new facts would come out before this Committee, if it should be appointed. Why not at once propose some substantive remedy, though he much doubted whether any effectual remedy could be applied? The best way for Gentlemen who wished to put down this vice, would be to embody their ideas in a bill. He was afraid, though of course it would not be avowed, that, on a question of this kind, the consideration of revenue must have some influence on any Government. Seeing no good that could result from it, he would not support the Motion.

Mr. *Pease* said, the crime of drunkenness was increasing, and extending itself to an amazing extent. ["*No!*"] He travelled through the country as much as most Gentlemen, and could say, from his own observation, that it was increasing. Regular victualling-houses and beer-shops did not produce so much evil as the dram-shops. The evil arising from the employment of children in factories was trifling when compared to this. He wished the taxes both on dram-shops and on spirits to be increased which he thought would be one of the most effectual means of checking drunkenness.

Mr. *Hume* admitted, that the evils of drunkenness existed to a considerable extent, but he denied, that, among the better classes, it was on the increase. On the contrary, it decreased among these classes, because they were more abundantly supplied with the means of intellectual gratification. Among the lower classes, undoubtedly, it prevailed, but he doubted if it increased. The remedy proposed was an increase of taxation upon gin. The effect of this would be, as experience proved, to increase smuggling. The noble Lord (Lord Althorp) well knew, that the addition of even sixpence a gallon duty on gin had opened the private stills of Ireland and Scotland. The cheapness of spirits was not the cause of drunkenness. They were cheap in Belgium and France; yet he never saw a drunken man in these countries. There might be such, but he never chanced to meet them. It arose entirely from the state in which the population of this country was allowed to remain. It was vain to think of teaching morality by laws or police. The only remedy for the vice of drunkenness was to raise the intellectual condition of the people by a system of national education, and by a more active and vigilant discharge of duty on the part of the clergy. In place of having non-residents and pluralists, who were roving over the country and over Europe, amusing themselves with arts and with *vertu*, they ought to be in their parishes, attending to the morals and providing zealously for the spiritual wants of the people. If this were done, drunkenness would not be so prevalent. To this conclusion he came from recollecting what he witnessed in youth in his own country, and which he recollected with gratitude. Was not everything done that could be done by taxation and monopoly to shut out the means of instruction from the people—to withhold from them even a knowledge of the laws they were to be governed by? One had a monopoly of printing Acts of Parliament, realizing thereby a fortune of a million sterling. There was also a monopoly of Bible printing; adding thereby one or two hundred per cent to the price. The people could not enjoy even the pleasure of reading the aphorisms of *Poor Richard's Almanack* without paying a tax of 1*s*. 3*d*. upon a copy. Everything that could be done by fiscal oppression to barbarize the people was done, and yet they expressed surprise at the prevalence of drunkenness. Let the doors be thrown widely open to information. Ignorance was the father of drunkenness as well as of all other vice. The only remedy was education. He hoped the Motion would not be pressed.

Mr. *John Maxwell* supported the Motion, because he thought Parliament might do something to check the vice. In some parts of Scotland, and among certain classes of mechanics, this vice, he regretted to say, was on the increase, though certainly not from want of education.

Sir *Robert Bateson* supported the Motion. He was sorry to say, that drunkenness was on the increase in his part of Ireland. The mechanics consumed their wages in whiskey, and the vice was now extending even to the farmers. This did not arise from poverty, for the wages were good. The hon. member for Middlesex (Mr. Hume) referred to the clergy of Scotland, and the salutary effect of their example and exertions in repressing the vice of drunkenness. He was well acquainted with Scotland; and he would venture to say, that in no one of the three countries, did the vice of drunkenness prevail to so great an extent as it did in Scotland. In his part of Ireland, the religion was the same as in Scotland, the clergy were as pious and as exemplary, and yet drunkenness was on the increase. He presented many petitions on the subject, every one of them having the signature of a clergyman. Nine out of ten of the offences which came before him and his brother Magistrates at Petty Sessions arose out of drunkenness. It could not be attributed to ignorance, for schools had greatly increased in that part of the country; but as the march of education increased, drunkenness increased. He doubted much whether cheap publications did much good; quite the contrary. The evil arose among other circumstances, in a great measure from the facility with which vagabonds who escaped from prison were permitted to set up public-houses. The most effectual remedy would be to take off the duty on malt, and enable people to obtain a cheap and wholesome beverage. A distinction should be made between beer-shops, and these gin-shops, which were the receptacles of every vice. He would support the Motion.

Sir *Harry Verney* differed from the hon. member for Middlesex inasmuch, as he thought, contrary to that hon. Member's opinion, that morality might be assisted by judicious legislation. He therefore should support the Motion.

Mr. *Brotherton* said, drunkenness had increased, was increasing, and ought to be diminished. It led to a great deal of crime and misery, and in many instances to insanity. He thought it might be useful to allow a Committee to be appointed to inquire as to the extent of the evil complained of, and to see whether any remedies might be found. If any could be found, he for one would be glad to listen to the suggestions of the Committee thereupon.

Mr. *Baines* was sorry, that the noble

Lord (Lord Althorp) was not sufficiently convinced of the magnitude of the evil which the motion might, perhaps, find a means of remedying. For his own part, he considered, that drunkenness was an evil of such great magnitude that it was worthy of making inquiry as to any remedies that could be discovered to prevent its increase. He hoped, that the hon. member for Sheffield would press his Motion to a division, and it should have his support.

Mr. *Hughes Hughes* would vote for the Motion of the hon. member for Sheffield. He believed intemperance to have decreased on the part of the rich, and to have increased on the part of the poor. He would occupy the attention of the House only while he alluded to what had passed on the subject of temperance before the Select Committee on the expedition to the Arctic Seas, which, he thought, ought to be now generally known to the public. From the evidence of Captain Ross, it appeared that, during the last fifteen months of the period that he and his crew were enduring extreme hardships and privations, they were entirely without ardent spirits, melted ice or snow, with the addition of lime juice, being their only beverage; that, to the absence of spirits, he attributed in a great degree the health which the crew latterly enjoyed. Had there been an abundant supply of spirits, and they had been used as freely as, under the circumstances, the sailors would have been disposed to indulge in them, Captain Ross gave it as his opinion, that not only would not the health of the crew have been so good, but he should not have brought back to this country so large a proportion of them.

Mr. *Cayley* considered it necessary to inquire as to the ultimate causes which led to the present increase of drunkenness, and for that reason he should support the Motion for going into a Committee of Inquiry on the subject.

Colonel *Williams* said, that one of the worst things about those infernal gin-shops was, that well-dressed women were continually seen issuing out of them. The consequence would be, that future generations would be polluted and contaminated, and the Legislature could not employ too much energy in putting them down. He supported the Motion.

Colonel *Evans* begged the noble Lord (Lord Althorp) to withdraw his opposition to the Motion. When so many Members appeared in favour of the Motion, it would be better if the noble Lord would forego his own views.

Mr. *Emerson Tennent* said, the great extent of illicit distillation in Ireland, was alone sufficient to claim the attention of the noble Lord.

Mr. *Cutlar Fergusson* recommended, that an increased duty on licenses should be resorted to, with a view to discourage the present enormous consumption of spirituous liquors.

Mr. *Warburton* concurred with his hon. friend (Mr. Hume), that the only effectual mode of preventing drunkenness was by extending to persons of moderate means the same motives for abandoning the practice as influenced those of a higher station. Make drunkenness disgraceful in the eyes of the people—circulate cheap publications against the vice—encourage education, and render it honourable to abstain from habits of intemperance by gradually affecting public opinion on the subject;—these were the proper means of putting an end to drunkenness.

Mr. *Buckingham* could not think of abandoning a Motion founded in public utility, calculated to prevent vice and promote morality; and, therefore, without intending the least disrespect to the noble Lord, the Chancellor of the Exchequer, he must press the question to a division.

The House divided — Ayes 64 Noes, 47: Majority 17.

Committee appointed.

List of the AYES.

Agnew, Sir A.
Arbuthnot, Hon. Gen.
Baines, E.
Barnard, E. G.
Bateson, Sir R.
Bernard, Hon. W. S.
Bewes, T.
Blake, M.
Briggs, R.
Brotherton, J.
Browne, J.
Cayley, E. S.
Chaytor, Sir W. S.
Christmas, W.
Copeland, W.
Crompton, S.
Dykes, F. L. B.
Evans, Col.
Ewing, J.
Fergusson, R. C.
Fielden, J.
Finn, W. F.
Forster, C. S.
Gaskell, J. M.
Glynne, Sir S. R.
Gronow, Captain
Halcombe, J.
Halford, H.
Hardy, J.
Hoskins, K.
Hughes, H. H.
Jones, Captain
Knatchbull, Sir E.
Lister, E. C.
Marsland, T.
Martin, J.
Maxwell, J. W.
Morpeth, Viscount
O'Brien, C.
Parker, J.
Pease, J.
Plumptre, J. P.
Potter, R.
Richards, J.
Rickford, W.
Rotch, B.
Sharpe, General
Shawe, R. N.
Stuart, Lord D. C.
Talbot, F.
Tennent, J. E.
Thicknesse, R.
Torrens, Col.
Tracy, C. H.
Verney, Sir H.
Vigors, N. A.
Whitmore, W. W.
Williams, Col.

Wilmot, Sir J. E.	Strickland, Sir G.
TELLERS.	PAIRED OFF.
Buckingham, J. S.	Harland, W.

NATIONAL EDUCATION.] Mr. *Roebuck* rose to move the appointment of a Select Committee to inquire into the means of establishing a system of National Education. Having determined to resume the subject which he had before undertaken, and to bring it on now in a different form from that originally adopted by him, he now requested the House to grant him a Committee of Inquiry, with a view to investigate this important subject, and prepare the public mind for such steps as it might eventually be deemed expedient to adopt. He did not wish to tie the House down to any fixed or favourite principle of his own—he merely asked for inquiry. It might be said that, by determining to inquire into the subject the House did pledge itself to a certain opinion on the point; that was true; but then the opinion was such as he believed nobody would contest —namely, "that the Legislature considered the moral and intellectual improvement of the people so important as to justify an inquiry, in order to ascertain how far that moral and mental culture could be affected, influenced, or promoted by the government of the country." He asked whether the House, which had appointed so many Committees to investigate a variety of subjects —drunkenness, for instance—would refuse to go into an inquiry which involved not a single consideration, but many of the most vital importance to every individual in the country? With regard to the instructions to the Committee of which he had given notice, he merely wished to place his own opinions on record; but if the House had the least objection to those Resolutions, he was willing to have them negatived or withdrawn, and should not press them. All he cared for was, that the inquiry should be granted. He would proceed then to argue the question on the ground of the expediency of inquiry and upon that alone. In every country which enjoyed security for person and property, that security was increased by a high state of moral and intellectual culture prevailing among the people; and the only question was, how far that condition could be improved by the care and diligence of the Government. At all times, but more especially at a period of excitement like the present, it was the duty of Government to watch narrowly and endeavour to direct the culture of the people. He wished to see the mass of the people accustomed to good habits, equally acquainted with their rights and duties, prepared to act as good men and citizens, and possessed of strength of mind and heart to follow the path of duty. These results he expected from education and from the interference of the Government to raise the mental and moral culture of the people. Consider the state of the labouring population of this country, born to toil and surrounded by temptation; did they not require a strong controlling principle to enable them to resist the improper gratification of their desires? Steps ought to be taken so to surround the people by the influence of good feelings and high principles and ennobling motives, as to enable them to resist temptations to which in a state of society like ours, they must necessarily be exposed. The people should not be left to the government of chance. His desire was, by affording education to the people, not so much to raise them from their proper situation as to make them happy and contented in it. By increasing their knowledge you increased their means of consulting and promoting their real welfare. The most important class of the people, and for whom the diffusion of education would produce the greatest benefits, was the labouring classes of the community. Educate them properly and soundly, teach them upon what the wages of industry depend, and you afford them the means of at once better providing for their subsistence and their happiness. The supplying the mere means of subsistence did not suffice to constitute happiness. It was necessary to accompany it with knowledge, so that the people should derive their pleasures, not from mere sensual, but from intellectual sources. It might perhaps be said that it was but a dream of the imagination to look for such results. It was, at all events, no dream of the imagination, but a stubborn fact, that the people had of late eagerly sought for knowledge. Much certainly had been done in the way of supplying them with intelligence, and those who were instrumental in doing so merited the highest honour; but though much had been done, they should not lay the flattering unction to their souls that much was not still required. The hon. Member here read the concluding paragraph of the Report of the Poor-law Commissioners, in which they recommend that means should be provided for affording education to the people, the diffusion of knowledge amongst the lower classes being, in their opinion, one of the best instruments for correcting the evils produced by the mal-administration of the Poor-laws; and he also read an extract from a report made by M. Guidroz to the government of the Canton de Vaud, in which he recommended the utmost attention to education. The hon. Member then proceeded to maintain, that it was the business of every well-regulated Government to provide for the education of the people. Education afforded one grand means for the prevention of crime, and it was the duty of a government that was justified in promulgating laws, and punishing their infraction, to supply the people with that knowledge which would induce them to obey them. He was not one of those that entertained any fear that the consequence of the Government taking into its hands the education of the people would be the inculcation of slavish principles amongst the mass of the community. There always existed sufficient checks upon the conduct of Government to render any such apprehension perfectly groundless. But, at the present moment, the most slavish and bigoted principles were inculcated, especially in the national schools. If a Dissenters' school happened to be started in the neighbourhood, immediately the Protestants of the Established Church took the alarm, a rival school was started to it, and that too upon the most intolerant and exclusive principles. He knew, himself, of an instance of a national school, where a notification was publicly stuck up in the school-room, that no children could receive instruction there who did not attend at Church, and it came to his knowledge that a boy was expelled from the same school because he was a monitor in a Dissenting school in the neighbourhood. That was a sample of the slavish bigotry and intolerance that prevailed at present in the national schools. He now came to the means for providing education for the people, which means, as he had already stated, he would contend should be supplied by the Government of the country. It had been said, in reference to that point, that so much had been done in the last ten years by private benevolence for promoting the education of the people, that the Government might content itself with proposing from time to time small grants for that purpose, and that, in doing so, it would amply discharge its duty. That, he regretted to find, was one of the arguments put forward by the present Lord Chancellor, who had, during the best years of his life, been an advocate for the public education of the people, but who had latterly gone back from his former principles on that subject, and had endeavoured to justify the assertion, that so much had been done of late years by private benevolence, that it was not necessary for the Government of the country to interfere. The hon. Member controverted at some length the data upon which the Lord Chancellor had founded that assertion, and he then proceeded to dwell upon the faults incidental to the existing system of education for the lower classes in this country, and to observe, that the present was the third session that he had submitted this subject to the consideration of the House. The subject had already undergone the fullest investigation before a Select Committee, and he would entreat the Legislature, for God's sake, to take the first step towards the accomplishment of so desirable and imperative an object as that which he had in view. He reminded the House, that this was no party question, and he would entreat them to adopt his proposition, which would be the harbinger of that happiness which it was the duty of every man to endeavour to spread around him. The hon. and learned Gentleman concluded by moving, "That a Select Committee be appointed, to inquire into the means of establishing a system of National Education."

Sir *William Molesworth* seconded the Motion. He considered the education of the lower classes in this country was as deficient in its quantity as in its quality, and that it left the minds of the people in that state of indifference which could not but be condemned by every well-thinking individual in the community. The present system was most incomplete; the children of the lower ranks of life were taught, it was true, a certain number of words conveying no ideas, or ideas so indistinct that no beneficial effects could result from such a course of instruction. It was, in his opinion, the bounden duty of the Government to provide for every child born within the realm such an education as was fitting and suitable for the station which Providence had allotted to it; and he was of opinion, that the Motion of the hon. and learned member for Bath was one which deserved the adoption of the House. While he admitted, that the experience of past years had shown the difficulties which met all attempts to secure such an attendance by children of the humble ranks upon the schools, in order to obtain those good effects which might anxiously be desired, yet he still conceived it was the duty of Government to endeavour to obviate and surmount those difficulties by the introduction of a system of National Education. The interference of the State was best calculated to attain this object, and the intervention of the Legislature would stamp a new character and dignity upon a most useful class of individuals, he meant schoolmasters, who, instead of being as now the mere servants of, and subject to, the whims and caprice of individuals, would, by such a course, be regarded as public functionaries. Again, by giving this body such an importance, a competent supply (the want of which had so long pressed upon the public) would be afforded. The hon. Member also contended that the education of the people ought not to be placed under the exclusive control of the clergy of the Established Church, nor would he support any system of education which did not extend its blessings to every child born in the realm; any departure from this principle would, in his judgment, be a dereliction from the duty owing by the Legislature to the country at large; but, at the same time, everything should be done to conciliate the good offices of the clergy of the Establishment. In the hope that this country would emulate the example of other neighbouring states in respect to education, he cordially supported the Motion of the hon. and learned member for Bath.

Mr. *Cobbett* expressed himself satisfied, that the scheme suggested by the hon. and learned member for Bath would not be productive of any good, and this he thought he could show to the House. On the subject of education in this country, it was not philosophy or reasoning that could guide, but recourse ought rather to be had to experience. Everybody knew that, within the last thirty-five years, Lancasterian and other schools had been founded, and education had increased twenty-fold; but experience showed, that the morals of the people had not mended with the increase of education. It had even been admitted that night, that drunkenness had increased wonderfully within latter years, so that education did not even prevent drunkenness. He repeated, that all this increase of education had not been productive of any good; and he ventured to say, that there was not a single country gentleman who would not say, that the fathers of the last generation made better labourers, better servants, and better men, than their sons of the present generation. This proved, that the labouring classes were much better without that intellectual enjoyment, which the hon. and learned member for Bath was anxious to provide for them, than they were with it. What, also, was the state of crime in England and Wales now, as compared with its amount at the period the education of the lower orders of the people began? Why, the proportion was now at least four, if not seven, times as great as it was when education commenced. [An *Hon. Member:* The increase of crime was ninefold.] So much the better for his argument. Within the same period, too, the number of bastards had increased to a most prodigious extent; so that, in this respect, the morality of the people could not be said to have been advanced by education. The people, in fact, had the intellectual and bodily enjoyment at the same time. The hon. and learned member for Bath had contended, that the system of education in this country was wrong altogether, and had instanced, as an example worthy of imitation, the state of things in New York, in America, where he had said half a million of human beings were educated, and in the full tide of enjoyment of intellectual matter. He would tell the hon. and learned Member the state of things in the district on the condition of which he relied. He had written to New York for information since the subject was under consideration last year, and he had received an account, signed by the Recorder of New York, which, though he had it not now with him, he would produce to-morrow to the hon. and learned Gentleman. This account embraced a comparative statement of the number of educated criminals, and the number of uneducated criminals, and showed a very considerable majority of the former over the latter. So much for education preventing crime either in America or in England. It was a good people, and not a gabbling people, that was wanted in this country; and this smattering of education would only raise the labourers of this country above the situations best suited to their own interests, and those of their families. It would put into their heads that they were not born to labour, but to get their living without it. By the plan suggested by the hon. and learned member for Bath, the child of the labourer could not complete his education until he was at least fifteen or sixteen years of age: but in the mean time he should be glad to know who was to keep a great eating, and drinking, and guzzling boy?—who was to find him with provender all that time? Who was to satisfy his body, while his intellect was being filled. The hon. and learned Gentleman had said, that the labourer's boy was to receive instruction after the day's labour was over; but if the hon. and learned Member knew anything of labour, he would rather prefer going to sleep. In short, if all were to be scholars, it would be necessary for the whole population to shut up their mouths, and determine to eat no more. The interference with labour would be the very worst course which could be pursued by the Legislature. By useful employment the youth gained habits of obedience and industry; but send him to school to a drunken master, or to a sober conceited coxcomb of a schoolmaster, and he would only learn habits of idleness, and become too great in his own conceit to labour. Sufficient schools were already established for all useful and beneficial purposes, though he admitted that some abuses prevailed. He alluded in particular to a school in a place in the county of Hertford, which, though closed for fourteen years, the master, during the whole period, was paid his annual stipend of 600*l.* It was true, that the school had been since reopened, and now afforded education to about 150 scholars; but these were abuses which he would go with the hon. and learned Member any length to correct. The hon. Member concluded by repeating his opposition to the present Motion.

Lord *Morpeth* said, that to a certain extent, he concurred with the hon. and learned member for Bath in all that he had expressed in relation to the inestimable advantages of education, of its inadequate prevalence among the population of this country, and the expediency of giving it further encouragement; but he (Lord Morpeth) should suggest an amendment which, while it contemplated the same great end, the general education of the people, would more define and concentrate the purposes than was shown in the Motion as it at present stood. To a Motion for a Committee on the subject of general education he gave his assent; but he was bound to state some of the motives which induced him to object to the specific Motion of the hon. member for Bath. The hon. Member had indeed consented to waive the instructions of which he had given notice, and which had stood upon the paper for three months; but he was sure that the spirit of those instructions would guide the Committee for which the hon. Member had asked. He should, therefore, have to deal with the Motion of the hon. Member as if those instructions were now proposed to be given. To the first part of the instructions which went to embrace the whole of the population needing instruction, he decidedly objected. As for the education of the rich, he thought that whatever faults might be found in our great public seminaries, and whatever improvements might have been suggested by the increased enlightenment of the age, any alteration in their system of management ought to be left to the good sense and sound discretion of the parties who were interested, especially as interference on the part of the House would, so far from promoting the end they had in view, only be looked on as an impertinence. With respect to the poor, and the means of education which were open to them at present, he might appeal to many names of departed worth and living excellence, to prove that they were capable of availing themselves of those resources; but he could not agree that every handicraftsman and agriculturist should have the highest degree of instruction which we could bestow. Educated they would be, and educated they ought to be, in all appropriate employments, and for all appropriate uses; but he did not see, that they should therefore receive the education of a legislator or philosopher. The second instruction was much less objectionable to him (Lord Morpeth); but he did not feel prepared to go the whole length of the principle which it involved. He was, however, neither prepared nor anxious to deny that some gratuitous education might be necessary, but it was a point in dispute whether it was advisable to supersede all voluntary and independent contribution from the party to be benefited. There was always danger in removing the necessity for exertion, but the principle of gratuitous education might be reserved for inquiry and consideration. He now came to the third instruction, the meditated instruction of the hon. member for Bath. He admitted, that where funds designed for education had been misapplied or perverted from the purposes for which they were originally bestowed, they should be re-applied to the promotion of their intended ends; but he believed there was a commission now sitting which would exercise a vigilant inspection over these misapplications of trust funds; and he therefore, thought, that part of the hon. Member's notice, not of his motion, in this respect was unnecessary, and might prove prejudicial. His own scheme might seem more timid and compromising, but it was not their business to array against them, in the furtherance of their schemes of education, the apprehensions and prepossessions of others. The House would remember, that during the last and present session, a sum of 40,000*l.* in all had been granted for the purpose of erecting school-houses to the National School and the British and Foreign School Societies. Returns, for which he had called, showed how much good had been done by this moderate outlay, and the good had been effected not only by the application of the grant itself, but by the exertion and contribution it had called forth and put in action in other places. The Returns stated, that since the original grant of 20,000*l.* voted to the Societies last year, applications had been received for establishing 236 new schools, which were to provide for the education of 55,000 scholars, and that local charitable funds to the amount of 66,000*l.* had been already tendered in aid of the Parliamentary grant. In these circumstances he saw the reasonable hope of carrying into effect an efficient system of education, in which the exercise of the best public feelings should be encouraged, rather than checked, as they would be by a system altogether compulsory. These grants, he was perfectly ready to admit, could hardly be looked to in any but an experimental point of view, and they were totally inadequate to the ultimate purposes of a national education. But they afforded experience, upon a limited scale, of the operation of certain principles and rules; and he thought it would form the appropriate subject of inquiry for a Committee to ascertain how far such grants had been successful, and how far they might be beneficially extended. Still he had no wish to limit the inquiry of such a Committee to that point, if the House thought there were others deserving attention. He did not mean to contend for the exact maintenance of all the regulations or systems of these two Societies—because he could not but think, that there was something in their circumstances too stiff, and distinct, and separate, to permit of their system being made the groundwork of any fiscal arrangement deserving the description of a national system. At the same time, he thought there would be great evil in checking the display of public feeling which they had called forth; and he did not think the Lord Chancellor had justly exposed himself to the reproaches insinuated against him by the hon. member for Bath, of having abandoned his early principles upon this question, because he desired to see the display of that feeling continued. He thought, that all that was good in these Societies might be preserved under some superintending and more active agency, which might fill up the void now left, and fuse what were now their somewhat discordant elements into a more general and consistent operation, which should lead to a system of more harmony and order. He would preserve the best regulations of the two, and especially that which was the glory of both, the free use of the whole Bible. Whatever might be the case elsewhere, he was convinced, that it was indispensable to the success of any scheme of public education in this country, that the Scriptures, without mutilation or comment, should be its foundation. This was one of his chief objections to the plan of the hon. Member. In offering his opposition to it, he was aware that he was in some measure taking a course that might seem invidious to the hon. Member; but he assured him, that it was totally unaccompanied by anything like acrimony, and that he should entertain no feeling of disappointment if the House preferred the hon. Member's plan to his own. He felt it, however, to be his duty to give the House an opportunity of coming to a decision as to what auspices it would desire to confide so important a question. He moved, as an amendment, to substitute, after the words, "that a Select Committee be appointed," these words—"to inquire into the application of the grants for the erection of schools, to consider the expediency of making further grants upon the same principle, and to inquire into the general state of the education of the poor in England and Wales."

The Speaker having inquired who seconded the Amendment,

Mr. *Hill* rose for the purpose, though he did not concur with the views taken by the noble Lord. He apprehended, that the course he was pursuing was not unusual. He seconded the Amendment, that it might receive discussion, not because he agreed with the principles it embodied.

The *Speaker* intimated, that as the hon. Member had expressed himself opposed to the Amendment, he was not competent to second it.

Mr. *Plumptre* then rose to second the

Amendment. He did so with sincere pleasure, as the Christian religion ought to be the foundation of every system of national education. The hon. member for Bath had spoken of the increase to the happiness and comfort of the people by their advance in intellectual improvement. He was no enemy, far from it, to the proper cultivation of the intellect; but as religion was the only guide to safety, and the hon. Member had not mentioned a word about religion in his system of education, he should oppose his Motion, and second the Amendment.

Lord *Althorp* said, that the object of both the Motion of the hon. and learned member for Bath, and of the Amendment moved by his noble friend upon that Motion, was the appointment of a Committee of Inquiry into the means of establishing a system of national education; and, for his part, he was quite ready to concur in that object. He had always thought it desirable that the people should be educated, and he had always concurred with those who thought, that education should be as extensive and general as possible. He confessed that, to him, the difference between the Motion and the Amendment did not appear very great. The Motion of the hon. and learned member for Bath was to inquire into the means of establishing a system of national education; that of his noble friend was to inquire into the present state of education in England and Wales. Now, it certainly was necessary, that inquiry should be made into the present state of education, as a preliminary to any ultimate measures which might be adopted; and he did not think, that it was desirable that any such inquiry should be instituted, if there was no intention of going further, which, however, he knew not to be the object of the noble Lord. He had listened with attention, and a good deal of amusement, to the speech of the hon. member for Oldham. He had often differed from that hon. Member, but he did not differ now, for the speech of the hon. Member was directed against bad, not against good, education. He had always viewed the subject in the light in which the hon. Member regarded it. The noble Lord, after adverting to education in infant schools, and contending, that a person educated under that system would not be taught to be discontented with his situation, proceeded to state, that he considered the man who had learned his own business, as far as the knowledge of that business went, an educated man, while he should call a ploughman, who was able to read and write, and even capable of making himself acquainted with the highest mathematics, but who was unable to plough, not an educated man. He concurred with the hon. member for Kent in wishing that the Christian religion should be made the foundation of a national scheme of education; for it was impossible to suppose, that any education could be good for anything without it. But he did not perceive, in this respect, any difference between the Motion of the hon. member for Bath and that of his noble friend. The hon. Member had not, indeed, used the word "religion" when he spoke of education, but he believed, that the hon. Member did not intend to exclude it. Looking at these Motions, he certainly felt some difficulty in deciding for which he should vote; but he was satisfied, whichever the House agreed to, they would do a good act. Allusion had been made to the Lord Chancellor, and it had been asserted, that he had objected to a national plan of education, on the ground that it would exclude private assistance. But the Lord Chancellor had never said, that private assistance was sufficient. It was felt, that if the Government could assist without interfering with private benevolence, so far assistance ought to be given. On this principle the grant of money had been made for building schools, and the experiment, as far as it went, had succeeded. They found that, by building school-houses, they did not interfere with the duty which fell on individuals of supporting the establishment thus set on foot, and the greatest assistance was thus given by the outlay of a comparatively small sum, as the great difficulty consisted in the erection of the building and putting the school on foot. He believed, therefore, that it could not be applied more judiciously than in building schools. He should like to point out, to the attention of the House the effect of this grant, and, on that ground alone, he should feel inclined to prefer the Motion of his noble friend to that of the hon. Member. These circumstances should be inquired into, and that early, because it might be found, he did not say, that it would be found, the best mode of applying these funds, unless, perhaps, the education of schoolmasters was considered a still better. He saw the hon. member for Oldham laugh when he spoke of the education of schoolmasters, but he supposed he would admit, that no one was born a schoolmaster, and it would be necessary, therefore, to educate him. He agreed with the hon. Member, that a half-drunken schoolmaster was not a good thing, and that a coxcomb might be worse; proper education would form some barrier against the introduction of these evils. He would repeat, that he felt great difficulty in deciding which way he should vote, if the House was to be divided. But he hoped, the noble Lord and the hon. Member would not divide the House, but agree to an amicable arrangement on the question.

Mr. *Roebuck* said, that all he wanted was a Committee to investigate the subject. He would, however, suggest to the noble Lord to insert the words "national education" in his Amendment.

Mr. *Abercromby* suggested, that the word "national" should be omitted. He wished to have the inquiry directed to the state of education generally, and the effect of the grant made last Session.

Lord *Althorp* expressed his willingness to accede to the recommendation of his right hon. friend (Mr. Abercromby), and begged to propose the following Motion, which differed but slightly from the Amendment of his noble friend (Lord Morpeth). He would move for a Select Committee to inquire into the state of the education of the people in England and Wales, and into the application and effect of the grant made last Session for the erection of school-houses, and to consider the expediency of further grants in aid of education.

The other Motions were withdrawn, and the Motion of Lord Althorp was agreed to. Committee appointed.

The Polish Emigrants.] Lord *Dudley Stuart* called the attention of the House to the distressed condition of the Polish Refugees in this country. The noble Lord briefly described the events which had recently occurred in Poland, and which had terminated in the overthrow of liberty, and the establishment of the cruel despotism of Russia in that ill-fated country, and expressed a hope, that the House would not turn a deaf ear to the claims of the brave men who had sacrificed everything but honour in the struggle for freedom. It was well known, that a remnant of the gallant Polish army, escaped from the slaughter of which so many thousand of their compatriots were the victims, had sought an asylum on the shores of happy England, where they knew that they had a right to expect to be received with hospitality. When he reflected upon what England had in former times done to assist the oppressed of other countries, he could not suppose the House of Commons would neglect the unhappy Poles, who had greater claims upon our sympathy than any of the former objects of the national generosity. The House had formerly voted large sums for the relief of distressed foreigners, almost without remark. Since the commencement of the present century, no less a sum than 3,000,000*l.* had been voted for objects of that kind, and much of the expenditure continued up to the present day. Even during this Session, money had been voted for refugees who stood in the same situation as those whose cause he humbly pleaded. What claim had the French refugees, clergy and laity, upon our benevolence, which the Poles did not possess? Having shown our liberality to the distressed of all other nations, would it not be shameful now to begin to hold our hands in the case of the Poles—a nation whose claim to the admiration and gratitude of Europe was universally allowed? Much eloquence had, at various periods, been employed in the British Parliament, to show the necessity for Poland being an independent nation; ought we, then, to allow the men who had gallantly stood forward in the bloody struggle to achieve their national independence to perish on our shores? He had, through his Majesty's Ministers, obtained the formal consent of the Crown, which was necessary in order to enable him to bring forward the Motion with which he meant to conclude, and he hoped, that it would not be opposed by the Government. England was almost the only country in Europe in which a portion of the public money had not been applied to the relief of the Polish refugees. Even in despotic Austria relief had been extended to them by the state, and France had distinguished herself by the generosity of her conduct towards the unfortunate exiles; the Chamber of Deputies having voted no less than 3,000,000 of francs (a sum equivalent to about 140,000*l.*) for their support. The sum which he was about to ask for, would be insignificant when compared with that given by the French, and could not be objected to on the score of economy, for it would not be felt by any one in the nation. The money which he asked for would not be sent out of the country, as had been the case with other parliamentary grants, and so far this was an argument in favour of his proposition. On a former occasion the House had cheerfully voted 200,000*l.* to be sent to sufferers in Russia, and 100,000*l.* to sufferers in Germany. There was no ground upon which it appeared to him his Motion could be resisted, except, perhaps, the fear of giving offence to the Russian government; but he would not for a moment believe that Ministers could be actuated by such a base motive. The noble Lord drew an affecting picture of the distressed situation of the Polish refugees in the metropolis, and read a letter addressed to him by a distinguished Pole, in which the writer said, that his countrymen looked forward to his Motion as their last hope. He did not ask the country to make any great sacrifice; in fact, he was quite willing that the grant should be restricted to those who were at present in this country, and that all future claimants should be held excluded from the benefit of it. The noble Lord concluded, by moving, "that the House resolve into Committee to consider the propriety of an humble address being presented to his Majesty, praying that his Majesty would be graciously pleased to direct that some pecuniary assistance be afforded to the distressed Poles at present in this country, and to assure his Majesty that the House would make good the same."

Mr. Buckingham seconded the Motion.

Lord *Althorp* said, he very much feared considerable inconvenience might arise from a general grant, as it would invite an indefinite influx of Poles into this country, and, therefore, he was pleased to find that his noble friend had consented to confine the grant to those who were at present in the country. With respect to the Polish emigrants, it was undoubtedly true, that they were now suffering extreme distress. The causes which had led to that suffering were certainly such as to excite very general and deep commiseration; but the distress itself, even apart from those causes, was quite sufficient to account for the very generous sympathy which had been so extensively felt on their account. In these circumstances, feeling that private subscriptions were the proper means by which the objects of charities of this sort ought to be accomplished, but apprehensive that the funds thus derived were nearly, if not entirely, exhausted, his Majesty's Government had come to the determination not to oppose the Motion of the noble Lord, on the understanding, that those who promoted the grant would concur in limiting it to those Poles who were now in this country.

Mr. *Cutlar Fergusson* was heartily grateful to his Majesty's Ministers for their assent to this Motion. He must, also, cordially express his approbation of the restrictions imposed by Government, as well as gratitude for the liberal and generous spirit which had induced the Ministers to accede to the request of his noble friend.

The Motion was agreed to; and it was ordered, that the House should, on the following day, resolve itself into the said Committee.

STEAM COMMUNICATION WITH INDIA.] Mr. *Charles Grant,* in moving for the appointment of a Select Committee to inquire into the best means of promoting the communication with India by steam, observed, that the East-India Company had not neglected its duty on this important subject. The Company had employed a vessel to survey the coasts, and had already established steam navigation between Bombay and the Red Sea. Two routes had been pointed out, one by the Red Sea, another by the Euphrates; and the consideration of which was the better of the two would form an interesting subject of inquiry in the Committee. He would then only move for its appointment.

Mr. *Hume* supported the Motion, and expressed his thanks to the right hon. Gentleman for the trouble and interest he had taken on the subject.

The Committee was appointed.

PENSIONS (CIVIL OFFICES).] Sir James Graham moved the third reading of the Pensions (Civil Offices) Bill.

Mr. *Hume* opposed the third reading of the Bill. He wished the Bill to be divided into two, to embrace the two parts of which it consisted. He recommended that, in all cases, each claim for retiring pensions should be brought before Parliament, and he objected to the pensions enjoyed by several persons who had filled Ministerial offices, but were now in possession of large incomes.

Lord *Althorp* said, that the coming to Parliament in each case would lead to extravagance, for, in a popular assembly, there was always a readiness to grant pensions in individual cases, although there would be much jealousy in sanctioning such as were left to the responsibility of Ministers. He was convinced, that the best system was to leave the granting of retiring pensions to the Crown, under the restrictions contained in this Bill.

Mr. *Hawes* said, that if the right hon. Baronet would exempt from the operation of the Bill those clerks who were in office prior to 1829, and who had, therefore, a claim to their pensions, he would withdraw his opposition.

Sir *James Graham* said, that the modification of the 10th clause would answer that object; there had been a misapprehension upon this point. He thought the House must see, that it was highly expedient that superiors in an office should have that salutary control and check over those below them, which the allowance of retiring pensions under this Bill afforded, in order that reward might be meted out according to merit.

The Bill was read a third time and passed.

HOUSE OF LORDS,

Wednesday, June 4, 1834.

MINUTES.] Petitions presented. By the Dukes of BEAUFORT and WELLINGTON, Earls SHAFTESBURY, BROWNLOW, and ELDON, the Archbishop of CANTERBURY, and Lord TENTERDEN, from several Places,—for Protection to the Established Church.—By Earl BROWNLOW and Lord TENTERDEN, from several Places,—against the Admission of Dissenters to the Universities; and by the same, from several Places, against any Alteration in the Corn Laws.—By Lord WYNFORD, from four Places, against employing Children in the Sweeping of Chimneys.—By the Earl of DURHAM and Lord WYNFORD, from several Places, —for the Better Observance of the Sabbath.—By Lord SUFFIELD, from Baldock, for Relief to the Dissenters; and by the Bishop of BATH and WELLS, from four Places, against the Claims of the Dissenters.—By the same, from Shepton Mallet, for an Act to regulate the Appointment of Trustees, &c.

IRISH CHURCH.—BUSINESS OF THE HOUSE.] The Earl of *Wicklow* gave notice, that, on Friday, he would move, that a copy of the Commission issued to inquire into the state of the property of the Church of Ireland should be laid before that House. Having given this notice, the noble Earl stated, that he thought it a duty he owed to the House, to detail the circumstances which prevented him from giving it last night. He came down to the House at four o'clock, with the intention, in the course of the evening, of giving this notice. He was prevented from executing his intention, by the sudden manner in which the House was adjourned. He did not mean to cast blame anywhere, but he was anxious that they should have a clear understanding as to the forms of the House, and the hour at which business was to commence. He had been for several years a member of that House, and during the whole of his experience, public business had commenced at five o'clock. Lord Liverpool, many years ago, had introduced that practice, and ever since it had been strictly adhered to. He was aware, that the House met for other business at other hours. It met at ten o'clock for appeals. Sometimes the House assembled at three o'clock for Committees of Privilege; at present it was in the habit of meeting at four o'clock expressly to hear evidence upon the Warwick Disfranchisement Bill. He had never understood, however, that the meeting upon the Warwick Bill at four, was to interfere in any manner with the regular business of the House at five. This was his impression, and he believed it was the impression of many noble Lords besides himself, as he met a considerable number coming down to the House yesterday at twenty minutes to five o'clock, as he was going away, the House being then adjourned. He did not mean to say, that yesterday it was not competent to the House to have adjourned itself before five, or for a noble Lord to move the adjournment; but some notice of the intention to do so ought to have been given. He was in the House when the adjournment took place, but it took him by surprise. The adjournment, he believed, was put by the noble and learned Lord from the Woolsack, without any noble Lord having made a motion to that effect. He admitted, that the noble and learned Lord had a right to originate that or any other Motion in that House; but if he had acted conformably with the orders of the House, he would have left the Woolsack for the purpose of making it; instead of which the noble and learned Lord rose in his place, and at once moved the adjournment. He, for one, certainly did not hear the Motion. He had thus thought it right to explain the cause of his having allowed a single day to pass without giving notice of a Motion for the production of a copy of a Commission to which he had referred.

The *Lord Chancellor* begged to state, for the information of their Lordships, some circumstances which the noble Earl had not stated in the account he had just given. He had twice put the question from the Woolsack, whether any noble Lord had any petition to present, or any Motion to make. He then asked if there was any more business before the House. Half-a-dozen noble Lords announced, that there was none. The Warwick business, then, being over, he did not see why he was to sit there from half-past four till five o'clock, doing nothing, because noble Lords did not choose to come down before. He should certainly learn for the first time, that that was his duty, if he should be so instructed that night. He had at least fifty times adjourned the House at a quarter past four o'clock when there was no business or notice in the order-book, and no noble Lords present. It was generally his practice to ask some noble Lord, mostly the noble Earl (the Earl of Shaftesbury), to move the adjournment before he put it from the Woolsack; and he (the Lord Chancellor) did not know that he had not done so yesterday. The House was of course aware, that such a Motion was a very simple thing; that it was done almost by a nod of the head; no argument or long speech was necessary in making it; and it might, therefore, easily pass unperceived. As a Member of that House, he had a right to move the adjournment. The noble Earl admitted this, but alleged that he had not stepped out from the Woolsack as he ought to have done. Really he ought to be proud to think, that this was the only charge of irregularity that could be brought against him. If he had but thought of taking one step to the left, and then one step to the right, backwards, and had then again returned to the Woolsack, he would have performed all the evolutions of office, and done all that the duties of regularity and etiquette which he owed to their Lordships required of him. Had he but made these simple movements, he would have been the most regular of all mortal Speakers of their Lordships' House. But the noble Earl was present, and did not set him right, or complain of the adjournment. He had asked more than once if any noble Lord had any Motion to make, and the noble Earl made no answer. The question he would ask, however, was, "Had substantial injustice been done?" The noble Earl's notice was for Friday; and was it not in time on Wednesday? Moreover, when he was told by the noble Earl last evening, that the noble Earl had a notice to give, he offered to come back; but several noble Lords, upon hearing that it was a notice for Friday, observed, that Wednesday would be time enough for it, and that it could not signify. He should certainly be sorry, for the sake of going half an hour sooner, to violate any of their Lordships' rules, or do an act of injustice to any noble Lord. He certainly did avail himself of the opportunity to get, what was very rare with him, a little air and exercise. If he should be told, that it was his duty to sit there till the index of the hour stood exactly over the figure of 5 upon the dial, he would wait till then; but he thought it would be a very useless expenditure of time.

The Earl of *Wicklow* thought the question was, not what mischief had been done, but what mischief might accrue from the system of the noble and learned Lord. The question of adjournment ought to be put in an audible manner, so as to be heard by all Members of the House. This the noble and learned Lord had certainly not done. Then the noble and learned Lord told them that he was willing to return after having adjourned the House. This was another instance of the noble Lord's ignorance of the forms of the House. There should be some regular understanding as to the hour of commencing business.

The *Lord Chancellor* utterly denied that he had not put the question in a tone sufficiently audible to be heard in the back seat of the gallery. The noble Earl, he believed, was too much occupied to hear him. That was not his fault, for he was not bound to find ears for any of their Lordships. He acknowledged the superiority of the noble Earl over him in an acquaintance with the forms of the House. He was willing to admit, that the noble Earl's knowledge was as much superior to his, as the noble Earl himself believed it to be; and he could not carry concession to a higher point. To the noble Earl that House was, as it were, native; to him (the Lord Chancellor) it was only "hospitable." But it was really too bad of the noble Earl, with his knowledge of the forms, first to mislead him into the belief that he could come back to the Woolsack after adjourning the House—for he it was that recommended it—and then to condemn him for contemplating such a thing. The noble Baron, a son of a Lord Chief Justice (Lord Ellenborough), it was who fired up, he might say constitutionally fired up, at the proposal, and saved him from putting it into execution.

The House again examined witnesses on the Warwick Borough Bill.

HOUSE OF COMMONS,
Wednesday, June 4, 1834.

MINUTES.] Bills. Read a second time:—Admission of Freemen.—Committed:—Punishment of Death.

Petitions presented. By Mr. BARING, from Christian Residents in London, for removing the Civil Disabilities of the Jews.—By Sir RONALD FERGUSON, from Sweinton, for the Separation of Church and State.—By Mr. ROBERT FERGUSON, Mr. INGHAM, Sir GEORGE CAYLEY, and Mr. BETHEL, from four Places,—for the Repeal of the Reciprocity of Duties Act.—By Mr. LITTLETON, from the Proprietors of Coal Mines in Staffordshire, against such Mines being Assessed to the Poor Rate.—By the same, and by Colonel WOOD, Mr. HUGHES HUGHES, Sir RICHARD SIMEON, Mr. DUFFIELD, and Lord GRANVILLE SOMERSET, from several Places, against the University Admission Bill.—By Mr. E. BULLER, from Stone, for Relief to the Agricultural Interest.—By Mr. WILKS, Colonel CONOLLY, Mr. GEORGE BERKELEY and Mr. PLUMPTRE, from several Places, for an inquiry into the Causes of Drunkenness.—By Mr. GEORGE BERKELEY, from several Places, for the Better Observance of the Lord's Day.—By Lord ROBERT MANNERS and Mr. RICE TREVOR, from several Places, for Protection to the Established Church.—By the same, and Mr. POINTZ, from several Places,—against the Claims of the Dissenters.—By Sir WILLIAM CHAYTOR and Sergeant SPANKIE, from Islington, and two other Places,—against the Poor Law Amendment Bill; and by Mr. JERVIS, Mr. GEORGE BERKELEY, and another HON. MEMBER, from several Places,—against Clauses in the above Bill.—By Mr. GROTE, Mr. WILKS, Mr. N. SHAWE, and Mr. BROCKLEHURST, from several Places,—against Church Rates.—By Mr. GROTE, from the Tower Hamlets, for a Clause in the Justices of the Peace Bill.—By Mr. FEARGUS O'CONNOR, from Rathcormick, and other Places, against the Tithes (Ireland) Bill; from two Places, for the Repeal of the Union.—By Mr. JERVIS, from Chester, for a Clause in the County Rates Bill.—By Mr. FORT, Lord MORPETH, and Mr. WILKS, from several Places, for Relief to the Dissenters.—By Lord MORPETH, Sir D. K. SANDFORD, Dr. LUSHINGTON, Colonel DAVIES, and Mr. ROEBUCK, from a Number of Places,—against the Poor Laws' Amendment Bill.—By Lord MORPETH and Mr. HERRIES, from several Places,—for Protection to the Established Church.—By Lord G. LENNOX, Colonel LYGON, and Mr. HEATHCOTE, from several Places,—for the Continuance of theLabour Rate Act.—By Sir C. BURRELL and Mr. H. HANDLEY, from three Places,—against the Sale of Beer Act.—By Sir GEORGE STAUNTON, from Emsworth, for Protection to the Fisheries in that Neighbourhood.—By Mr. PLUMPTRE, from Stapleford, for Protecting Members of the Church of England, against a Compulsory Attendance on Popish and other Religious Ceremonies.—By Mr. G. BERKELEY, from Westbury upon Severn, for Poor Laws to Ireland.—By Mr. S. MACKENZIE, from the Parochial Schoolmasters of Dingwall, &c., for an increased Stipend.

EMPLOYMENT OF LABOURERS.] Sir *Charles Burrell* having moved the Order of the Day for the second reading of the Labourer's Employment Bill, expressed his sincere regret at finding that it was likely to be opposed. He hoped he should be able to induce the noble Lord opposite to allow the Bill to be read a second time, and committed, as he thought the most convenient course to pursue would be to take the debate on the principle of the measure after it came out of the Committee in an amended shape. The present measure was merely a continuation of the Bill of last year, which had been most beneficial in its operation. A petition had been presented that night, in favour of its re-enactment, signed by all the Magistrates belonging to the western district of Sussex, with the exception of one, and that Magistrate declined to attach his signature to the petition simply because he was not well enough acquainted with the subject. He held a similar petition in his hand from the inhabitants of Farnham, in Surrey, to which he begged to call the attention of the House. The clerk, on the call of the hon. Baronet, read the petition. He thought the statement contained in that petition would be sufficient to satisfy the House of the great benefit which had attended the operation of the Labourers' Employment Bill. He had paid some attention to the manner in which that Bill had worked; and he knew that certain parishes had, by the application of that measure, succeeded in reducing the number of their unemployed labourers from 536 to 243. The Poor-rates had also been reduced from 700*l.* 8*s.* 10*d.* per month to 299*l.* 15*s.* 7*d.*; being a diminution of no less an amount than 400*l.* 13*s.* 3*d.* per month, or about 4,897*l.* a-year. He thought he need scarcely state any further proof of the beneficial operation of the Labourers' Employment Bill. He knew that the Poor-law Commissioners had expressed an objection to the Bill, on the ground of its not being in unison with the original intention of the Poor-laws; but he believed that the plan they recommended of employing paupers in Poor-houses was not less at variance with the principle of the 43rd of Elizabeth. Besides, the fact of Mr. Sturges Bourne, a gentleman so well acquainted with the operation of the Poor-laws, and whose opinion on any point connected with them was well entitled to respect, having refused to sign a paper which had been transmitted to the Exchequer by the other Poor-law Commissioners, was a circumstance which he thought told very much in favour of the present measure. The case of the parish of Pulborough had been referred to by the Poor-law Commissioners, as demonstrating the injustice which the present Bill was calculated to inflict; but, to prove what an erroneous inference those learned Commissioners had drawn from the facts of the case, he would take the liberty of reading to the House the opinion of the reverend Mr. Austin on the subject. The hon. Baronet read the following letter, which was laid before the Select Committee on Emigration in 1827, by Walter Burrell, Esq.:—

Sir,—I send you the expenses of the parish of Pulborough, in the county of Sussex, for one year. You will see, that 318*l.* of the Poor-rates are thrown away on idle men on the roads; and that, in five years, including the highway rates, 3,552*l.* have been expended on the roads, of which 1,932*l.* have been taken from the Poor-rates. In the years ending April, 1824 and 1825, the occupiers of land employed one man on their farms for every 25*l.* a-year rating in the poor-book, which continued partly through the year 1826, except by one person occupying 400 acres, who will not take his proportion, which has induced the other occupiers of land to discontinue their proportion: and we have now ninety-five men on the roads, many of them without tools. Is it not worth considering whether the determination of a large majority of a parish to employ the agricultural labourers in any way which shall not favour one more than another, with the approbation of the Magistrates in Petty or Quarter Sessions, might not be made legally binding on the minority? I am aware much care must be taken to prevent an unequal pressure, especially on small parishes.

I am, Sir, with great respect,
Your obedient humble servant,
J. AUSTIN, Rector.
Pulborough, Dec. 14, 1826.

In his opinion, any enactment compelling labourers, who were thrown out of employment by temporary illness, or some accidental circumstance, to go to the poorhouse would be regarded with an ill feeling by the poor; and he therefore thought, that those gentlemen who were opposed to the Poor-laws' Amendment Bill ought to support the present Bill, as he was confident it would be found to act in some degree as a safety-valve to the measure of Government. What he wanted to see was the labourer employed and well paid, and good will and harmony prevailing in the agricultural parishes of the country; and, believing that the present Bill would tend to produce that desirable state of things, he trusted that the House would consent to read the Bill a second time. The hon. Baronet concluded by moving the second reading of the Bill, which Motion having been seconded,

Mr. *Leech,* as a practical agriculturist, could speak to the beneficial effects of the former Labour-rate Act, the renewal of which merited the approbation of the House. The Bill was only a permissive Bill, and no parish need adopt it unless three-fourths of the rate-payers in vestry assembled were desirous so to do. It would in no case compel any one to pay more than he at present paid; and it had the great advantage of taking the labourers from unprofitable labour, and employing them in the improvement of the soil by engaging them in purely agricultural labour, thereby rendering them much more moral in their conduct, industrious in their habits, and more comfortable in their families, than when employed in parish work; for it was well known, that very little attention was paid to the labourers engaged in parish work; and they were consequently enabled to pass much their time in beer-houses. The former Bill had proved highly satisfactory to the labourers themselves as well as to the farmers. He therefore trusted, that the House would allow the Bill to go into Committee, where any improvements that could be suggested might be introduced.

Mr. *Slaney* thought the Bill would be prejudicial in its effects. There was this difference between the Bill passed in the last Session and the present Bill—that whereas the former measure required, previous to its application to any parish, that the consent of three-fourths of the rate-payers should be obtained, the Bill now under consideration made the consent of three-fourths of those in vestry assembled only requisite; thus putting it in the power of a few busybodies in a parish to force the measure upon their fellow rate-payers. In the former Bill, a clause was introduced, providing that the measure should not apply to any parish in which the Poor-rates were not above 5*s.* in the pound on the rack-rent, thereby exempting from its operation all parishes in which good management prevailed. In the present Bill, however, that salutary provision was entirely omitted. But he rested his main objection to the Bill on the ground, that its provisions were contrary to all principle, inasmuch as they compelled a man to employ a certain number of labourers whether he needed them or not. He thought, that the Bill would prove mischievous, inasmuch as it gave the Magistrates too great a power of interference, and placed the bad and good labourer on the same level. The Poor-law Commissioners were decidedly opposed to the principle of the Labourer's Employment Bill; and seeing that a measure founded on their report, and calculated to remove the evils of which the hon. Baronet complained, was now before the House, he should certainly vote against the second reading of the present Bill. In addition to the other disadvantages which he had mentioned, he might state that, in the course of time, he had no doubt it would have the effect of doubling the rates which it was the object of the Bill to lighten. On these grounds, he should give the Bill his decided opposition.

Mr. *Denison* expressed his concurrence in all that had fallen from the hon. Baronet (Sir Charles Burrell) as to the benefits which might be, and had been, derived from the application of the principle of this Bill. He could state that, in sixteen parishes in Surrey, where it had been applied, the Poor-rate had been reduced one-half; the number of paupers had been diminished in the same proportion; besides which, the condition of the land had been considerably improved. Under these circumstances, he hoped the Bill would receive the sanction of the House. If there were any objectionable parts in it, they might be modified in the Committee. It should be recollected that it was only an experiment, and intended to be temporary; but even as a temporary measure, it would tend to improve the operation of the Poor-laws' Amendment Bill.

Mr. *Heathcote,* having presented a number of petitions to the House in favour of this measure from the county which he represented, felt himself called upon to say a few words in support of it, which he considered well worthy the attention of the House, from the many advantages that were likely to arise from it. One great comfort that it would produce to the country generally was, the application of a much greater quantity of labour to land than could be afforded at present. This would occur by the removal of all the useless labour that was now thrown away upon roads to the cultivation of the land. He approved too, of the principle maintained by this Bill, that the majority in each parish was to bind the minority, if they chose, to regulate the labour of the parish under the provisions of the Bill, or on the principles which it laid down. He had no doubt that this measure would prove a most useful auxiliary to the Poor Laws' Amendment Bill.

Mr. *Robert Palmer* considered it very desirable that the inhabitants of a parish should be compelled to pay the sums which they might agree to pay, for it was well known; that many persons in a parish, after having voluntarily agreed to pay a certain sum towards the labour fund, had, in less than a month after, refused to continue their payments. He approved of the general principle of the Bill, and, feeling assured that it would also work well in practice, he should give it his support.

Colonel *Torrens* viewed this Bill as most erroneous in principle and mischievous in practice. There could be nothing just in compelling people to pay for labour over and above what they required. A parish might as well be called upon at once to support a thousand or any other given number of labourers, although it might not require half that number. This was nothing better than an agrarian law, or at least was calculated to lead to such a law. Nothing could be worse in principle than accumulating idle labourers in a parish, and deducting from the productive industry of others to support them. If there were a surplus of labourers in a parish, the proper way to deal with them would be, if they could not be employed on the land, to apply them to the increase of the trade and commerce of the country. Convinced that this measure would prove to be practically injurious, he should give it his decided opposition.

Mr. *Baring* would look rather to the manner in which this Bill was likely to work than to any general principle which it might involve. He had inquired into this subject, and found that there were various opinions in different parts of the country. Some of the witnesses who had been examined before the Committee, had spoken most favourably of the measure, whilst others disapproved of its practical results. He entertained no doubt of its beneficial effects in parishes that were purely agricultural, and where no other species of labour was going on; but he considered it oppressive to make small tradespeople pay for labour which they did not want. He should have been glad if his hon. friend had not for the present pressed this Bill until the Poor Law Amendment Bill had been disposed of, and it could be known what was done with that important measure. He could have wished, that his hon. friend had waited to see how that Bill would work, and, in the next Session, the measure might be more fitly introduced as an auxiliary, if it should be deemed requisite. He had undoubtedly found that, in some parishes in his own immediate neighbourhood, the Labour Rate Bill operated with a very beneficial effect, although this might not be generally the case throughout the country. He hoped, that his hon. friend would withdraw the Bill for the present.

Sir *Harry Verney* said, that there were many parishes where there was but little occasion for labour, and it would be hard to compel small annuitants and others who did not require labourers to pay for their support. He was, however, favourable to the general principle of the Bill, but he felt some difficulty as to how he should vote, lest this measure should in any degree clash with the Poor Law Amendment Bill which the noble Lord near him had introduced, and which he hoped to see brought to a successful issue.

Mr. *Halcombe* would support the Bill of the hon. Baronet. It was intended to be in operation only for one year, and would enable the farmers to get over the winter. He did not think it would in any respect interfere with the Bill of the noble Lord.

Mr. *Poulett Scrope* was understood to say, that the Bill would be subversive of the benefits which were likely to accrue from the noble Lord's Bill for the Amendment of the Poor Laws. At any rate, the present Bill ought not to be passed till the Poor Law Amendment Bill had been carried into execution. The Labour-rate was nothing but the allowance system in disguise, and he felt compelled to give his opposition to this Bill.

Mr. *Divett* said, that as nobody had yet moved, he would move, as an Amendment, that this Bill be read a second time this day six months. His reason for doing so was, that he considered it to be bad in principle, and likely to prove worse when reduced to practice. It confined in parishes a portion of labourers who could not be productively employed within them, and compelled individuals who did not want labour, and received no benefit from it, to employ their capital in support of it. The Labour-rate might have produced some benefit in a few parishes, but he believed that that benefit was more apparent than real, and that it would be productive of much future evil.

Mr. *Warburton* seconded the Amendment. It was preposterous to introduce a Bill like this, which was at best a mere palliative, when there was before the House a comprehensive Bill for the Amendment of the Poor-laws founded on the best principles. This Bill was founded on the worst principles; and if there was no other objection to it, and there were many, he should oppose it on this ground—that it took away every incentive to good conduct, by placing the independent and industrious labourer on a level with the indolent and profligate pauper.

Mr. *Hodges* supported the Bill. If he considered it likely to embarrass the noble Lord's Poor-laws' Amendment Bill, he should not give it his support, as he was quite sure that that Bill would have embarrassments enough of its own to contend with. He thought that this Bill would act beneficially in smoothing the way for the operation of that Bill, and he should therefore give it his support.

Lord *Althorp* said, that this Bill was founded upon incorrect principles. He had formerly been ready to agree to it, incorrect as its principles were, because there was no effectual measure before Parliament for the Amendment of the Poor-laws. Until such a measure was introduced, he had always felt that they must adopt palliatives, to mitigate the evils of the present system. But now an efficient remedy was introduced; and he felt, that the Legislature would act more wisely by adopting that measure, which was correct in principle and complete in itself, than by adopting a palliative which was incorrect in principle and only partial in its operation. By this Bill all the rate-payers of the parish were compelled to employ all the labourers in that parish, whether they were desirous of doing so or not. They were compelled, too, to employ labour which could not produce them any return, because in the words of the Bill, it was "labour more than was wanted for the cultivation of the soil." He contended that this Bill was also objectionable on account of its having a rapid tendency to produce a maximum of wages. He admitted that in many parishes where this measure had been tried the amount of Poor-rates had apparently diminished. He said apparently, for the amount was not really less, if the parishioners were paying more for labour in another shape. The effect was the same upon them, whether their money was paid in the shape of Poor-rates or in the shape of increased wages for labour which yielded them no return. As far as labourers were concerned, this Bill injured the independent and industrious portion of them by giving them no advantage over the indolent and profligate portion; on the contrary, it took from the steady and hardworking man the benefit which he had hitherto derived from his industry and good conduct. The Bill was also objectionable as affecting the freedom of labour in the country. It was nothing but a palliative; and as there was a Bill before the House which he trusted would prove a complete remedy for most of the evils of the present system, he should certainly give his support to the Amendment.

Mr. *Estcourt* said, that as the Bill of the noble Lord was not to come into operation till the next spring, no improvement in the condition of the poor could be expected during the next winter. If, therefore, the noble Lord had thought this a good measure, though founded on principles which he considered incorrect, before a general measure for the improvement of the Poor-laws was introduced, he ought to think it a good measure till that general measure came into practical operation. This Bill was only to have force for one year, and therefore he called upon the noble Lord not to abandon it until his own bill became practically the law. It appeared from the Agricultural Report that the farmers did not at present employ all the labour that was practically for the due cultivation of the soil —they only employed that quantity of labour which was just sufficient to keep it in a state of inferior cultivation. There were few parts of the country in which the surplus labour, as it was called, could not be beneficially employed in the cultivation of the soil. By the Poor-laws, as now administered, the farmers were compelled to maintain the surplus labourers without employment. By the present Bill the labourers would be kept in employment for their maintenance, and he would ask, was not that in itself an advantage? He admitted, that the principles of this Bill were not correct; but the state of the country was such, that the passing of this Bill was likely to prove a valuable auxiliary to the noble Lord's Bill during the ensuing winter.

Mr. *Handley* was of opinion, that this Bill would be found productive of great advantage to the occupiers of land, as it would give them something for those rates for which they now got nothing. After the concurrent evidence given by every country Gentleman who had yet addressed the House, he did hope that the House would grant this Bill as a boon to the agricultural interest.

Sir *George Strickland* supported the Amendment. This measure had been admitted by many to be bad in principle, but they supported it on the ground that it was a palliative for a worse state of things. In fact, it had been brought forward when things were in a bad state and there was no prospect of amending them. But the necessity for a measure of the kind being about to be obviated by the Bill to which the noble Lord had referred, he did not see why it should be forced on the country, when the effect of it was likely to be to bring them all to the same state of misery, pauperism, and destitution.

Mr. *Curteis* said, that after what had fallen from the noble Lord, the Chancellor of the Exchequer, he should feel it his duty to vote against this measure. It was quite true, that this measure was desired in West Sussex; but with regard to East Sussex, he would state that the same anxiety did not exist for such a measure. He agreed with the noble Lord that this measure should now be merged in the greater measure which had been introduced for the reformation of the administration of the Poor-laws.

Mr. *Wilks* said, that if the Poor-law Bill had been passed and was in operation, producing the effects that were anticipated from it, the argument of the hon. Member who had last spoken might be a forcible one, but not till then; he was not disposed, when he found such concurrent testimony in favour of the practical effects of this measure, to cast it away either in favour of the theories of hon. Members, or in favour of the measure brought forward by the noble Lord. He supported this as a temporary measure, preparatory rather than detrimental to the measure brought forward by the noble Lord with regard to the administration of the Poor-laws.

Viscount *Palmerston* said, that the very reasons assigned by the hon. Member for supporting this measure appeared to him arguments for opposing it. The hon. Member asked the House to agree to this measure because the measure of his noble friend (Lord Althorp) was not passed. Surely, seeing that that greater and more comprehensive measure was in course of being passed, it was unnecessary, indeed it would be mischievous, to adopt a measure like this, of an avowedly temporary nature, and which would, in fact, stand in the way of the beneficial effects to be anticipated from the Poor-laws Amendment Bill. One half, at least, of the hon.

Members who had supported that Bill had admitted, that it was erroneous in principle, but then, said they, let us adopt it as a palliative for the existing state of things. Now, if the proposed palliative was one that was congenial with, and would be conducive to, the great objects of the Poor-laws Amendment Bill, he could then very well understand the force of the arguments urged in favour of the adoption of such a measure by the House. But the present was a measure admitted even by its advocates to be founded on principles opposed to those contained in the Poor-laws Amendment Bill. Another class of the supporters of this Bill consisted of those who avowed that they had a great contempt for general principles and general theories, and that practical principles (such was always their expression) alone met with their regard. He would just observe, in reply to those Gentlemen who were so strenuous in objecting to general principles, and so self-complacently triumphant in their appeal to what they called "practical principles," that theories founded, as general theories were, upon large and extensive observation, were much more likely to be correct than theories like theirs, founded upon their own narrow and particular experience, and that they were themselves not less dealers in principles, and not less theory-mongers, because their principles were founded merely on particular observation, and because their theories were formed, not from general, but from confined and necessarily incorrect experience. This measure could not by any possibility have a tendency to lower the amount of the Poor-rates. It would take merely from the capital of the farmer in another shape, and under another name. The avowed intention in fact of the Bill was to compel the farmer to employ and to pay for labour that he did not want. Now the true principle, a principle surely it was not necessary to enlarge upon at this time of day was, that every man should be left to manage his concerns as he thought best for his own interest. Did any man suppose that the farmer would not employ as much labour as he would find profitable and for his interest? The truth was, that this measure would only take the capital out of the pockets of the farmers to employ it in forced labour. It was a Bill quite opposed in principle to the great measure that had been brought forward for the amendment of the Poor-laws. It was, he begged to remark, extremely incorrect to suppose that that great measure would not come into operation until March, 1835. The Poor-law Bill would come into operation immediately it was passed, with the exception of one portion of it, which had been already mentioned by his noble friend, and which would not come into operation until March, 1835.

Sir *Charles Burrell* briefly replied; contending that the provisions of the Bill applied to clergymen and declaring that the arguments of the opponents of the measure had been already so triumphantly defeated, that it was unnecessary for him to go again over the same ground.

The House divided on the Amendment—Ayes 80; Noes 36: Majority 44.

The Bill put off for six months.

List of the AYES.

Astley, Sir J.
Attwood, M.
Barnard, E. G.
Bulkeley, Sir R. W.
Brocklehurst, J.
Dare, R. W. Hall
Duffield, Thomas
Estcourt, T. G. B.
Faithfull, G.
Fleetwood, P. H.
Godson, R.
Goring, H. D.
Grosvenor, Lord R.
Guise, Sir Wm.
Halcombe, John
Handley, B.
Henniker, Lord
Hodges, T. L.
Hurst, R. H.
Leech, John
Mangles, James
Maxfield, Wm.
O'Brien, C.
Palmer, C. F.
Parker, Sir Hyde
Poulter, T. S.
Price, R.
Rider, Thomas
Rickford, Wm.
Rooper, J. B.
Ruthven, E.
Tower, C.
Tyrrell, Charles
Walter, J.
Watson, R.
Wilks, John

TELLERS.

Burrell, Sir Charles
Handley, H.

PAIRED OFF.

Holdsworth, Thomas

PRISONERS' COUNSEL BILL.] Mr. *Ewart* rose to move the second reading of the Prisoners' Counsel Bill. As the subject had, on former occasions, been repeatedly before the public, it would not be necessary for him to trespass on its attention at any length. It was a fact which he wished to press on the attention of the House, that England stood alone, with one solitary exception in the civilized world, in her refusal to allow prisoners the assistance of Counsel. In Scotland, France, Italy, Germany, and the United States of America, prisoners were all defended by Counsel; and none of those inconveniences which it was often alleged would be the necessary consequences of adopting the practice in this country were found to result from it. The strongest objection, however, and that which was most frequently urged against allowing prisoners the benefit of Counsel, was the quantity of time which the practice would necessarily consume in our Criminal Courts. The late Sir Samuel Romilly had completely answered that objection, when he said, that too much time could never be consumed, where the object was to discover truth, and administer justice. The next objection to the measure was, that it was unnecessary, because the Judge on the bench was the prisoner's advocate. If this were so —if the Judge was indeed the advocate of the prisoner—then he lost his character of Judge in that of advocate. But if impartial justice were administered by the Judge between the prosecutor and the prisoner, then the latter must go undefended; so that those who urged this objection placed themselves between the horns of a dilemma. The argument which had been urged against allowing prisoners the assistance of Counsel, on the ground that counsel would injure their cause, was absurd; for if the prisoner had any apprehension of that, he need not allow Counsel to defend him. The Bill was not compulsory in its provisions; it did not force counsel upon a prisoner, but gave him the power of engaging professional assistance if he pleased. A very ingenious addition had been made to the objections raised, by a proposition to take away counsel from both sides, and leave the case to be decided by the merits of the evidence. But he thought that the purposes of justice would not be answered by a bare exposition of the evidence, either for the defence or the accusation, and that the connecting statements of counsel would be required to show the evidence in its proper light. In America, the Counsel for the prosecution had a right of reply. To this he objected, because it gave the prosecutor a great advantage over the prisoner. In France, the custom was, to let the Counsel for the prisoner have the last word. This was an arrangement to which he was also opposed, as he did not think the ends of justice were likely to be promoted by it. The system of criminal jurisprudence in Scotland was free from both the objections to which he had alluded. Their system of defending prisoners was worthy of the consideration of the House. It succeeded completely in securing the prisoner a fair trial, but nothing more. The evidence was for and against; the prisoner's case was first of all gone into, and then the Court was addressed by Counsel both for the Crown and the prisoner. In those cases where the evidence was so strong against the prisoner that nothing could stand against it, neither the Counsel for the Crown nor the prisoner took up the time of the Court by any speech. The ends of justice, in all criminal cases in Scotland were, by means of this system, completely answered. This system had been pursued since the year 1587, and he had a very high authority, that of Mr. Allison, to support him in his favourable opinion of it. He thought, that it was something like a reflection on this country that she should be so tardy to acknowledge a principle which almost every country had long since admitted. The rule in Justinian was "*non debet actori dicere quod non reo permittitur.*" Was it not a strong argument *ad verecundiam* against our country, that the practice of the United States had been changed in this respect, contrary to the old English law, and contrary to the spirit of defence which they had inherited from their ancestors? His reasons for bringing this Bill forward were, that it would give defence to those who were unprotected, that it would subserve the ends of truth and justice, and remove from the Judge his character as an advocate; thus enabling him to sway the balance with an impartial hand, and give freedom, certainty, and vigour to the arm of justice.

Mr. *Hill* rose to second the Motion. Anxious as he was to uphold the system of our jurisprudence, and the laws as administered under our happy Constitution, as the best altogether in the civilized world, he was, nevertheless, bound to confess, that he had seen more than two or three cases of verdicts of guilty in felony, in which the verdicts were not borne out by the evidence; and this expressly because the prisoner had not had the benefit of a speech from his Counsel—in other words, the innocent might be deprived of protection by the present practice of our Criminal-laws. It was to be observed, that if we were right in this anomaly, we were right in direct opposition to the practice of all civilized Europe, and even that of our colonies on the other side of the Atlantic. The origin of our present practice was to be found in the same system which adjudicated men to death on paper depositions, without confronting the prisoner with the witnesses against him, and inflicted torture on the prisoner, in order to extract from his own mouth evidence against him. Under such an iniquitous system was it, that Lord Essex was sacrificed, and that great and illustrious man, Sir Walter Raleigh, was brow-beaten, insulted by a tyrannical Attorney-General, and finally suffered on the block! It was said, that the present system worked well, and though faulty in principle, it was excellent in practice. He felt that, from the natural infirmity of humanity, Judges would be often found to take a false view of evidence unintentionally, or neglect some very important point of evidence which must make in favour of the prisoner. And this was an occurrence which never would have taken place, had the prisoner the benefit of Counsel to point out to the Bench and Jury the real nature of the evidence. The judicial murder, for so he must call it, of Eliza Fenning, never could have taken place in 1815, had she had Counsel to insist upon the circumstance, that she had herself taken the poison which was administered to her master's family, and had suffered severely from its operation. The hon. and learned Member detailed three other cases of criminal convictions, which he was certain never could have taken place, had the prisoners been allowed to be defended by Counsel. It was highly absurd, that the course of our criminal proceedings denied a man arraigned for felony the advantage of Counsel, but gave him two to speak for him, and conduct his defence, when the prisoner was charged with the very highest felony —namely, high treason!

Sir *George Strickland* was confident, that many more Sessions could not pass, before the present anomalous state of the law with regard to criminal trials must be corrected. He had often heard, with most painful feelings, that part of criminal proceedings in which prisoners were denied the right of reply by their Counsel, and had always determined, if ever it was in his power, to give his support to that alteration of the law now proposed. Even in Italy, where no other semblance of a fair trial was given, the prisoner had the right to have his Counsel to plead for him, before Courts as ill constituted, he would admit, as any in the most despotic countries of Europe.

Mr. *Poulter* was not disposed to place much reliance on the conviction entertained by Counsel engaged in the defence of prisoners, that their clients, though convicted, were innocent. The real question before the House, in his opinion, was, had not a prisoner, upon the whole, a fairer trial, and a fairer hope of justice, under our form of criminal trial, than either in Italy, France, Germany, or even the United States of America? The administration of our Criminal Law was, in his opinion, already too mild, and afforded too great a chance of escape to prisoners. To draw an inference in favour of the alteration in our laws, from the dreadful prosecution and cruel ill-treatment experienced by that illustrious man, Sir Walter Raleigh, on his trial, by that severe and insolent Attorney General, Sir Edward Coke, was altogether unfair. The spirit of the age, and of our times, was altogether changed and amazingly improved since then, and now such brow-beating, insulting conduct, would not be tolerated in any legal officer of the Crown by a criminal Judge. The most serious consequence of altering our laws as was proposed by this Bill, he feared the House was scarcely able to appreciate justly—namely, that it would tend to withdraw attention from the evidence itself, and lower the present standard of evidence in criminal cases. This would be a consequence of a change in our law as to evidence, which would be most seriously felt by prisoners, even more seriously than they felt the inconvenience of being denied Counsel. If the hon. Member (Mr. Ewart) would consent to withdraw the first clause of his Bill, he would have no objection to let the Bill go to a Committee. As he understood, however, that this would not be conceded, he should conclude by moving, "that the Bill be read a second time this day six months."

Mr. Sergeant *Spankie* said, that it was generally admitted, on all hands, that justice was administered in a satisfactory and impartial manner in this country; and he could not see, that there was any practical ground for the change now proposed to be introduced, inasmuch as there was no practical abuse to be remedied. He thought it would be found, that, if Counsel were allowed to address the Jury in defence of prisoners on charges of felony, it would be the junior Counsel, who would generally be employed in their cause, who, by their injudicious manner of proceeding, might often do more harm than good to their clients. They would naturally endeavour to put the points of their case in the strongest light, and the Counsel for the prosecution would be compelled to combat them by all the eloquence and ingenuity he could command. The Courts would thus be turned into an arena for ingenious display, which would be anything but advantageous to the prisoner. As it was at present, the Counsel for the prosecution generally contented himself with a calm and dispassionate statement of the facts of the case, and it was the Judge's duty to watch over the interest of the prisoner. Whilst, therefore, he could see no practical advantage to the prisoner that could result from the change now proposed, the inconvenience on the other hand would be very considerable. The Assizes would be extended to three or four times their present duration, and the expense to the country proportionably increased. From these considerations, he should support the amendment.

Lord *Althorp* said, he had given this subject much consideration, and he thought some change was desirable. It appeared to him, that the arguments which had been urged against allowing Counsel to prisoners in cases of felony would equally apply against permitting Counsel to defendants in cases of misdemeanour. In the course of his experience and observation, which had been confined to the more trifling class of felonies, he had felt, that it was exceedingly painful to hear Counsel address the Jury against a prisoner, who was denied the privilege of being heard by Counsel in reply. What they had to consider was, not whether the change proposed would prove to the advantage of the prisoner, but whether it was calculated to lead to a fuller and more perfect development of the truth, and a more certain administration of justice. They should consider whether the truth was likely to be, in all instances, fairly elicited by a system under which cases could be put strongly on the one side, without allowing an answer to be given by equal talents from the opposite side. He would particularly instance the cases depending on circumstantial evidence, in which Counsel for the prosecution had, in their address to the Jury, to make out the necessary chain of evidence; and it appeared to him, that the privilege of reply on behalf of the prisoner ought to be allowed, in order that an opportunity might be afforded of showing in what respect improper inferences might have been drawn. Entertaining these views, he hoped the House would allow the Bill to go into a Committee, that they might examine it in detail, and see whether the objections urged against it, some of them being of weight, might not be removed.

Mr. *O'Connell* said, that the noble Lord had condensed in his speech so much good sense and practical wisdom on this subject, that it might appear to the House unnecessary for him to offer any further observations in support of the same views. He might, however, be permitted to make one or two remarks. The hon. and learned Sergeant who had preceded him had opposed the Bill upon an economical consideration of the county rates, and other matters totally foreign to the spirit of the question. He had also opposed the allowing of Counsel to prisoners on charges of felony, on account of the inexperience and indiscretions of young Counsel. He would say, that he had known many old Counsel who were just as indiscreet as their juniors. The fact was, that the present mode of proceeding in our Criminal Courts was anything but the fair and straightforward course which it should be. The Criminal Code itself was too cruel and bloody; that was a great evil, which it was endeavoured to counteract by throwing all sorts of impediments in its way, to prevent the discovery of the truth. Criminals and witnesses were continually cautioned against saying anything that could possibly implicate themselves; and time even given them, to reflect upon what they should say, lest they should unwittingly let an unwelcome truth escape. The hon. and learned Sergeant had said, that the prosecuting Counsel generally confined himself to a calm and circumstantial account of the facts of the case, and that the Judge was to watch over the interests of the prisoner. That was a very plausible statement, indeed; but was it borne out by experience? He, in the course of his practice, had seen great mischief and great injustice result from an exaggerated statement made by the Counsel for the prosecution, but he had seen much more harm and hardship result to the unfortunate prisoner from an assumed moderation on the part of his accuser. In Ireland, the Crown prosecutor, not uncommonly, came down and addressed violent harangues to the Jury, calculated to rouse their fears and their prejudices against the prisoners whom they were called upon to try. "Gentlemen of the Jury," it would be said, "the Crown has sent down this Special Commission for your own protection. Will you not protect yourselves?" which meant, as he understood it, "Will you be pleased to hang the prisoners at my request?" No weight ought to be attached to the objection, that allowing Counsel to prisoners would lead to young Counsel being employed, who would needlessly sacrifice the time of the Court to their desire to exercise and display their powers. Was it not from the Bar that they took their Judges, on the efficiency of whom depended matters of the greatest importance—even the life and death of individuals? He had, some time since, been engaged in a trial at Cork to defend three men, brothers, who were charged with being implicated in the murder of Franks. The principal witness was a female. She had been before called on to identify the individuals who had been present, and who were active, at the murder. The persons arrested were subjected to her recognition, amongst them were the three prisoners; she had known them before, but she passed them over, and picked out others, who were tried, convicted, and executed. Again the three men, in company with others, were brought before her, and again she failed to identify them. It was then thought proper to bring the three men into a room by themselves, in order that the attention of the woman might not be diverted; but, on being ushered into their presence, she declared that she had not seen them at the murder. The men were then discharged. In about six months after, she changed her mind, and deposed to facts against these men. They were arrested at their houses, subsequently brought to trial, and she identified them, swearing to them most positively. These facts he drew from her at the trial; many of them she admitted with considerable reluctance; but having exposed them to the Court, he left shortly before the trial was concluded, his firm conviction being, that the men must be acquitted. He had scarcely reached his apartment before he heard a shriek—such a shriek as was often heard in an assize town in Ireland when men were capitally convicted. The Judge had so summed up to the Jury that they found the prisoners guilty. He went to his window, and saw the three men in a square of soldiers. The mother of the prisoners, a widow, was endeavouring to force her way through the soldiers to her sons. She continued her struggles, and the soldiers presented their bayonets; but the officers at last desired that she might be allowed to approach them. She rushed in and embraced her eldest son, who was not twenty-one years of age; she then embraced her second son, and next her third and youngest, from whose neck she fell upon the pavement, bathed in blood. He turned away from his window, and saw no more. The men were murdered. The next year the same female, who had before given evidence in three cases, tried her hand at implicating some more individuals. Two other men were brought to trial on her evidence. The Judge on this occasion was Baron Pennefather, who, in a ten minutes address to the Jury, put the case to them in a manner that led to the prisoners' acquittal. Now, could there be a stronger illustration of the propriety of granting Counsel to prisoners than was afforded in the proceedings he had just described to the House? If he had had the opportunity of addressing to the Jury, in the case of the three prisoners, some such observations as were addressed to the Jury by Baron Pennefather in the case of the two prisoners, the former as well as the latter would, in all human probability, have been acquitted. He had seen justice perverted; he had seen human lives sacrificed; he had seen the violence of Counsel against prisoners, and the not less malignant mischief of a speech of great caution—of great affected moderation, professed in such terms as "Heaven forbid I should force a point against a prisoner—Gentlemen of the Jury, I would not for the world exaggerate a point;" and the very next moment they would hear—"But justice must be done—the peace of the country demands it;" in short, from persons who had assumed extraordinary moderation of tone and manner, he had heard these most cutting, cruel, and deadly insinuations. He felt certain, that the Bill would be highly beneficial, and he gave it his cordial support.

Mr. *Goulburn* opposed the Bill. From any thing he had heard or seen, he had no reason to believe, that in any case quoted, the verdict would have been different from what it was, had the prisoners been allowed to have Counsel. If the Counsel for the prosecution was allowed to reply, there would be an absence of the calmness at present prevailing in criminal trials, and passion and prejudice would appear there. He believed, too, that it would tend to make Judges partizans. He conceived, therefore, that the present system was better calculated to elicit truth, than the one proposed by the Bill. It was on that account, too, better calculated to ensure an impartial administration of justice, and he therefore should vote against the Bill.

Mr. *Robert Grant* said, that it was impossible to defend the present anomalous practice, nor had any Gentleman who had spoken on the opposite side attempted to defend it. It had been overlooked by the hon. and learned Sergeant, who referred to the confusion and inconveniences which would ensue from allowing prisoners, charged with criminal offences, Counsel, that acts of the Legislature had of late made many offences, which were before felonies, misdemeanours, in which the defendants were allowed Counsel. Now, whatever inconveniences and evils could be supposed to exist in allowing Counsel to prisoners charged with felonies ought to be shown to exist in those cases where felonies had been made misdemeanours and Counsel were allowed to the accused. It was said, that the advantages of allowing prisoners Counsel were exaggerated, and it might be so; but whenever a benefit was denied, its advantages were exaggerated, and the way to stop the exaggeration, was to take away its materials. In the case of treason, again, they had Counsel, without the evils of which the learned Sergeant had drawn so strong a picture. All these anomalies he had never seen even plausibly excused. They had come down to us by accident; and were they, therefore, to be preserved? If there was any practice in the law for which there was something to be said upon both sides, the reasons for and against were examined, and the right had a fair chance of being successful; but let any point arise in favour of which nothing could be said, and they were called upon to consider it as founded upon some indescribable, mysterious wisdom, and therefore to be preserved. They acted in this respect somewhat in the fashion of certain nations of the East, who properly estimated a man of little or no talent, but directly they met an idiot worshipped him as inspired by the Deity. At one time Counsel were not allowed to prisoners even to cross-examine witnesses, and that happened, which happened now, when the poverty of a prisoner prevented him employing Counsel, viz. all the barristers present lent him what assistance they could, by suggesting questions to the Judge, and raising points for his benefit; but what weight was there in the arguments of those who, when it was proposed to allow prisoners the assistance of Counsel, urged Parliament not to disturb the excellent state of the law, which gave the prisoner all the bar for Counsel, instead of one only? The Legislature thought no weight was due to such arguments, and he trusted that the Legislature would now think, that no weight was due to the arguments which opposed a prisoner's Counsel speaking for him, because, from his having no help of that kind, the Judge was now called his Counsel. As to the excitement of passion and contention of Counsel for victory, which had been dwelt upon, it was from the contention of Counsel that truth was elicited for the judgment of the Jury and Judge in civil causes, and he thought that truth would equally result from the contention in criminal cases.

Mr. *Pollock* was obliged, from a sense of duty, to vote for the second reading of the Bill. Under the present practice, many who were guilty escaped, and many who were innocent were convicted. Now, if Counsel were allowed to speak on both sides instead of one only, more guilty persons would be convicted; and what was more important, more innocent persons would escape, because they would have better means of defending themselves. He recollected, when he was young at the Bar, being present at a trial in the country, in which the prisoner was charged with an offence which, of all others, required that the accused should have the assistance of Counsel: it was a trial for rape. The man was found guilty and sentenced to death; but so convinced was he of the man's innocence, that he intended the next day to have started for London, in order humbly to lay his opinion before the Secretary of State; but he was prevented by the other Judge of Assize respiting the condemned, whose punishment was first commuted to transportation, then to two years' imprisonment, and ultimately he was set at large. There was another case, at the trial of which he was also present, although not concerned in it as Counsel, more than in the first case, in which the accused was found guilty of murder, and was executed in forty-eight hours. He was satisfied, that that man was innocent, and that his innocence would have been established had he had the means of making a defence. The opinion was not his alone; for he had, not many days back, mentioned the circumstance to one who was at the time Counsel on the Northern Circuit, and who was now one of the Judges of the land; and that Judge said, that he had a perfect recollection of the circumstance, and that it was the opinion of the whole Bar, that the man was wrongfully convicted and executed. He recollected, on another occasion, four men were tried before Mr. Baron Wood at Durham, for a capital offence. The Judge summed up as regarded two of them, for an acquittal; but the Jury misunderstanding the Judge, found them guilty. He was obliged to pronounce sentence of death upon them, but immediately respited them; and the witnesses who had given evidence against them, were afterwards convicted of perjury. The Jury found the other two also guilty; but one of them declared, that he alone was guilty, and that his companion was innocent. In all these cases he was satisfied, that had Counsel been allowed to address the Jury for the prisoners, they would have been acquitted. He agreed, however, that no reply should be allowed to the Counsel for the prosecution, for it would introduce feelings fatal to the calm investigation of truth. He thought it would be even better to allow the law to remain as it was, than to permit the prosecutor's Counsel to reply. He could state that, in consequence of the prosecutor's Counsel being allowed to reply in some cases of misdemeanours—as conspiracy—four defendants out of five were unjustly convicted. When certain returns for which he had moved were laid upon the Table, the House would see what an enormous amount of injustice had been perpetrated in cases of conspiracy by allowing Counsel for the prosecution to reply. There was a very great difference between allowing Counsel for a plaintiff in a civil case to reply, and allowing a prosecutor's Counsel to reply. The plaintiff had an interest at stake; and if the defendant called witnesses, the plaintiff must be allowed to reply upon this evidence; but the King had no interest in making out the guilt of his subjects; and therefore he said, give the accused the last word. A great legal character had said, at the close of a long professional life, that he had got many verdicts to which he was not entitled, and had not many to which he was entitled; but that, upon the whole, the balance of justice was even. Now, that was precisely the argument now used. It was true, that there were innocent persons convicted of crimes they had never committed; but then, look at how favourable the practice was to prisoners, and how many escaped. That was not exactly the balance of justice of which he approved. He was for having the guilty convicted; and, above all, for having the innocent acquitted.

Mr. Poulter withdrew his Amendment, and the Bill was read a second time.

HOUSE OF LORDS,

Thursday, June 5, 1834.

MINUTES.] Bill. Read a second time:—House Tax Repeal.
Petitions presented. By the Dukes of WELLINGTON and NEWCASTLE, and the Bishops of ROCHESTER and BATH and WELLS, from a Number of Places,—for Protection to the Established Church.—By the Earl of DURHAM, from the Medical Practitioners of Tipperary, for an Alteration of the Law relating to Medical Charities; from a Number of Dissenting Congregations, for Relief to the Dissenters.

TREATY WITH PORTUGAL.] The Marquess of *Londonderry* rose to ask the noble Earl at the head of his Majesty's Government a question, the answer to which it was necessary for the country to know, as a strong feeling of anxiety was excited by the occurrence to which the question referred; indeed, he would say, too, that the public interest was much concerned in it. During the interregnum of the last fortnight—during, he might say, that suspension of the Government, and the consequent embarrassments and evils to the public business resulting from the palsied state of the Government, he did not think it right to ask the question. But, now that there was the appearance, if not the reality, of a constituted Government, he hoped he might, without discourtesy, or without creating any confusion in his Majesty's counsels, ask a plain question—one, indeed, that the country asked, in a loud and bold tone too—whether Don Pedro, who was planted, through the instrumentality and aid of England, in supreme dominion in Portugal—a ruler ejected from the Brazils, not for his adherence to the principles or practice of liberty, but fixed, by the indirect agency of England, as the ruler of Portugal—whether, then, from gratitude to England, or rather the English Government, which, while professing neutrality, so vigorously supported him, he had ratified the Treaty entered into with him by this country? He (Lord Londonderry) also wished to know whether that Treaty, either fictitious or real, was ever ratified by the English Government? How did the case stand? Was there a ratification on either side, or was the whole thing mere parchment and a blind? It was said, indeed, in the public prints, some of which professed, or were believed, to be in the secrets of Government; it was semi-officially stated, that the ratification was signed on the part of England. Now he was surely justified in asking if that were so; and, in the next place, if the ratification on the part of Portugal was received: and further, if not received, what was the cause of the delay, whether the delay was shuffling and tricky, or resulted from natural unforeseen, and excusable causes? There was another point that he would incidentally advert to, as it was made the subject of commentary in other places, and indeed the topic of disputation by the periodical defenders, if not the patrons, of the Government—that was, that it was stipulated that Don Pedro was to be allowed only for a time to be at the head of affairs in Portugal; that he was only to be a temporary stop-gap kind of director of the destinies of that country. He should also like to know what was the course intended to be adopted by the present Government in case Don Pedro pitched pledges and covenants overboard, and refused to accede to the Treaty. It behoved this country to look well to the conduct of the pretended guardians, the pseudo liberals, of Lisbon, and take care that professions of friendship did not end in acts of hostility. It was boasted that the aim and tendency of the avowed leaning of the Government to the so-called constitutional cause in Portugal was, to tranquillize the country and restore it to happiness and prosperity. But, in place of doing that, the result was, that a flame was lit in Portugal which spread devastation through the country, and that the interests of Great Britain, which were ever before secured by our close alliance with Portugal, as in some degree the reward of our protection of that country, were sacrificed by pusillanimity to intrigue and bluster and usurpation.

Earl *Grey* said, he thought it strange that the noble Earl should have asked a question on a subject of this kind in his absence. He was now ready to answer him, and he should confine himself strictly to the subject-matter of that question. He was surprised that the noble Earl should make observations without first ascertaining the correctness of the ground on which they rested. In the present instance he had made an assumption which had no foundation whatever, except in his own imagination. Now, with respect to the ratification of the Treaty, he would tell their Lordships exactly how the matter stood. He did expect, that he should have been empowered to lay the ratification of the Treaty on their Lordships' Table before this time, and he would now state the cause of the delay that had occurred. The ratification had been received, but the instrument was found to be informal. The informality had nothing to do with any one of the conditions of the Treaty. It consisted of an omission in the preamble of the Treaty, as it had been sent here. It was sent back, and when transmitted to Portugal it was accompanied by a declaration that the Treaty should be of no effect until the omission was supplied. Of its being supplied he could not entertain the least doubt, because he saw no motive whatever that could induce a different line of conduct. The articles had been ratified in the form originally drawn up; and if it would give any satisfaction to the noble Earl, he had no hesitation in telling him, that that article, which he supposed to exist in the Treaty, existed nowhere except in the minds of those from whom he derived his information, or in the noble Earl's own imagination. The moment the ratification was received in the manner required, the Treaty should be laid on the Table. The delay was occasioned merely by an inadvertence, and it was not possible to lay before the House an incomplete document. With respect to the general observations of the noble Earl, it was not necessary for him to notice them. Whether the course which had been taken would restore peace and tranquillity to Portugal, or whether, as the noble Earl seemed to think, it would extend the evils which afflicted that country, was a matter which their Lordships were not called on then to discuss; and it would, perhaps, have been better if the noble Earl had not touched on the subject. He, however, believed, that every rational man would agree with him in opinion, that the policy which had been pursued would be found in every respect beneficial to Portugal.

The Duke of *Wellington* said, if he understood the noble Earl correctly, the ratification of the Treaty had taken place; but an incomplete copy of the Treaty so signed had been exchanged with his Majesty's Government as a complete one. Now, surely this country ought not to be bound by an incomplete instrument.

Earl *Grey* said, the noble Duke laboured under a misapprehension. What he had stated was, that in consequence of an omission in the preamble of the Treaty, it was found necessary to extend, as it were, the time for the ratification; but that it was at the same time declared, that the Treaty should have no effect until the omission was filled up. If the deficiency were not supplied, the ratification of the Treaty, thus incomplete, would have no operation.

The Duke of *Wellington* said, there

could be no doubt that his Majesty's Ministers could not be called on to produce to their Lordships such imperfect documents.

Conversation dropped.

APPOINTMENT OF MINISTERS TO CHURCHES (SCOTLAND).] The Earl of *Rosebery* moved the second reading of the Bill for the Appointment of Ministers to Churches (Scotland). The Bill would be a measure of primary importance to the religious and moral interests of a great part of Scotland, and more particularly to those of the city of Glasgow, where the want of accommodation was greater than in any other part of Scotland. The state of the city of Glasgow with regard to accommodation for religious worship was the best test that could be given of the utility of this measure. He entertained the highest sense of the Church, the purity of her doctrines, the ability, piety, and usefulness of her Ministers, and their adaptation to the people. He thought it was their Lordships' duty not to lose this opportunity of enlarging the basis of that Church, and of diffusing its benefits as widely as possible. He confidently relied on the intrinsic value of the Bill, and did not doubt that their Lordships would admit its necessity.

The Earl of *Haddington* admitted, that the principle of the Bill was good, but the details were capable of great improvement. It was a most reasonable thing that those who took upon themselves the additional expense of erecting new Churches should possess the right of nominating their pastors, but he did not see the necessity of passing an Act of such an universal character as this. That, however, was a question which could be better argued in Committee, and therefore he would not oppose the second reading.

The Duke of *Hamilton* said, no one could more cordially agree with the principle of the Bill than himself. He should not oppose the second reading, but reserve to himself the opportunity of discussing particular points in Committee.

The Bishop of *London* approved of the principle of the Bill, and trusted that a Clause would be introduced directing the appropriation of a certain number of seats for the accommodation of the poor. The 1st and 2nd of William 4th, enacted, that those who built the Church and endowed it with the sum of 1,000*l.* had the right of presentation. The same principle pervaded the present Bill. He was anxious to see the poor accommodated without prejudice to vested rights.

The Bill was read a second time.

HOUSE OF COMMONS,

Thursday, June 5, 1834.

MINUTES.] Petitions presented. By Lord ALTHORP, from Northampton; and Sir R. HILL, from Drayton, for Protection to the Established Church, and against the Separation of Church and State.—By Captain GORDON, from two Presbyteries, against altering the present System of Church Patronage in Scotland.—By Mr. DUNCOMBE, from the Clergy of Ripon and Boroughbridge, against the Dissenters' Marriages Bill; from several Parishes of York against separating Ainsty from the Jurisdiction of that Town.—By Mr. MARSHALL, from Leeds, against the Proposed Measure of Church Rates; also in favour of the Sale of Beer Act Amendment Bill.—By Mr. E. J. STANLEY, from two Places, for Relief to the Dissenters; from Staly Bridge, for the Separation of Church and State.—By Sir ROWLAND HILL, from Salop, for amending the Sale of Beer Act.—By Sir D. K. SANDFORD, from Nailston, against the Sabbath Observance (Scotland) Bill.—By Sir ROWLAND HILL, Messrs. E. J. STANLEY, DUNCOMBE, RYLE, and WILBRAHAM, from several Places,—against the University Admission Bill.—By Mr. WILBRAHAM, from the Debtors in Chester Gaol, against Imprisonment for Debt.—By Mr. LOCKE and Mr. MAXWELL, from three Places, for an Inquiry into the Causes of Drunkenness.—By Sir D. K. SANDFORD and Captain GORDON, from several Places, for Protection to the Scottish Church.—By the latter, from the Parochial Schoolmasters of Kincardine, for an increased Stipend; from Aberdeen, for the Repeal of the Reciprocity of Duties Act.—By Mr. BLACKBURNE, from Huddersfield, for the Repeal of the Duty on Gallipoli Oil.—By the same, and Mr. FIELDEN, from several Places,—against the Poor Laws' Amendment Bill.—By Lord ALTHORP, from the Handloom Weavers of Balfour, for a Board of Trade.

KINGSCLERE ENCLOSURE BILL.] Mr. Shaw Lefevre brought up the Report of the Committee on this Bill: and, on the question that the Amendments be read a second time:—

Mr. *Walter* said, he had thought it his duty to take the greatest pains possible to arrive at a just conclusion, and, in addition to the evidence given before the Committee, he had endeavoured to procure the best professional opinion, upon actual inspection, and the result of his inquiry was, that there was no way of compensating the poor generally for any loss of this common by any addition to the allotments of individuals. The Hon. Member entered into a variety of details as to the expense of the inclosure, as to the advantages to the persons concerned, and then proceeded. The expense would be enormous; the commissioner stated it at 2*l.* per acre, but he had lately paid 4*l.* per acre for the same thing. He thought that, at a moderate estimate, it would amount to at least 5,000*l.* And out of whose pockets was this to come?

Out of the pockets of those who already enjoyed the right of commonage, without any abatement, without incurring any expense whatever. What became, he would ask, of the sum so abstracted from individuals actually enjoying a free right? Did it go to improve the land? No: it went into the pockets of commissioners, surveyors, lawyers, and persons of that class, by whom absolute havoc was to be committed upon this property. The loss to be inflicted was real, substantial, and durable; and it was attempted to repair it by means artificial—he had almost said frivolous; for the right of common was a perpetual right — a right of which the poor could not disseize themselves—of which an improvident father could not rob a meritorious son. All that these people wanted was, to be left alone in the enjoyment of that which nature had brought to their doors. With regard to inclosures, there might possibly be some few points in which they had been beneficial; but experience, so far as it had hitherto gone, showed that, in one respect, they had been highly detrimental; they had tended to depress the poor, and, by depriving them of the right of commonage, had thrown them on the parish. On the decision of that morning would depend, not only the comfort of 196 families, but the conviction which the poor entertained, that their interests were as much consulted by that House as those of the most powerful Member in it. The utility of such a conviction, at a time like the present, would, he trusted, be duly appreciated. He concluded by moving, that the Amendments be read on that day six months.

Mr. Leech seconded the Amendment.

Mr. *Shaw Lefevre* hoped he should never live to see the day when the interests of the poor would not meet with an equal consideration from that House with those of any other class. So far from the present Bill being any infringement of the rights of the poor, the promoters of the measure had endeavoured by every means in their power to better the condition of the poor, and it was upon this ground that he gave the Bill his support. The hon. Member referred to the evidence at some length to establish his case, and concluded by expressing a hope that the House would allow the Bill to pass.

Mr. *Hughes Hughes* said, never was the saying that one story was good until another was told more fully verified than in the present instance. The hon. Member referred to the evidence to prove his view. He would ask what was to be expected from a Reformed House of Commons if this Bill were suffered to pass? What was the effect of the clause? It limited the extent of the allotment of those labourers who had exercised the rights of commonage for the last twenty years, or who had possessed their cottages for thirty years. But further, it put their estate in trust, instead of giving it to them in perpetuity. Of all absurd clauses that were ever introduced into a Bill, that was the most absurd and extravagant, which, before the commissioners set out and allotted the different plots of ground to each cottager, made it necessary, that each cottager should prove that, for twenty years before the passing of this Act, he had exercised the right of common by stocking it to a certain extent, and that for thirty years he, or the party from whom he derived his right, had been in possession of a cottage, which gave him that right. The allotment was to be held by the lord of the manor, the incumbent of the parish, his curate, the churchwarden, and overseers of the poor in trust for the said several owners of such cottages as had common rights. The cottagers, however, were not to be allowed to assign their allotments without the leave of the trustees, or any five of them, given under their hand and seal, and they were not to be permitted to assign them except to other owners of cottages. Thus, it was necessary that they should obtain, as in the feudal times, leave from their liege lords to alienate. The clause further provided, that if the cottagers were absent from their cottages for more than three months, without just cause assigned, the trustees should be at liberty to enter upon their allotments for their own use and benefit. Could it be doubted for a moment that this clause would give the trustees a direct interest in obtaining as many forfeitures as they possibly could? This clause did not give the cottager a fee simple in his allotment as an equivalent for his right of common. It first limited the estate to the heirs of his body, making it an estate tail, and then provided, that if he quitted the occupation for three months, or built upon it, or let or assigned it in either of those cases it should be forfeited to the use of the poor of the parish, and the trustees were required to take possession for that purpose. That such a Bill should be attempted to be palmed upon a Reformed House of Commons was to him surprising, for it was the most extravagant of all extravagances. He trusted the House would never consent to pass this Bill.

Colonel *Conolly* thought, that the rights of the poor had been most sedulously and vigilantly attended to by the Chairman of the Committee, who had made a clear and able statement to the House. He should, therefore, give the Bill his most cordial support.

Mr. *Gisborne* said, although the present Bill was strictly a private Bill, it was one of great public importance. If the opposition to this Bill should succeed, then there would be an end of all enclosures. He knew that persons who were friends to emigration had always had it thrown in their teeth that there were 3,000,000 or 4,000,000 acres of waste land in this country which ought to be put into a state of cultivation before the inhabitants of this country were sent out of the country to cultivate other lands. Having lived the greater part of his life near two commons consisting of land of the description mentioned in the Bill, and being well acquainted with commons and those who usually lived upon them, he could state from actual observation, that they lived a very vagrant sort of life, more like gipsies than regular labourers, and, in every instance which he had known, these poor creatures had been benefited by being compelled to adopt more regular habits. He was of opinion a great deal more had been done for these poor labourers than they could have expected if the present Bill had been suffered to take its ordinary course. The ground on which he should vote was, that he could not conceive a single case of inclosure that could take place throughout the kingdom if the objections urged by the opponents of this Bill should meet with the approbation of the House.

Major *Beauclerk* knew, from his own experience, that many enclosures which had taken place in the counties of Surrey and Sussex had turned out anything but beneficial to the poor. Indeed, many of them to his knowledge had been destructive to the comforts, the pleasures, and the amusements of the poor. The clause read by the hon. member for Oxford, in his opinion, determined the question. It was calculated to bring the poor man on the parish. By this Bill, the rich man was at liberty to build upon his allotment cottages of any description he pleased; but the poor man was compelled to sacrifice his property if he made any erection upon it at all. It was clear this Bill would promote the ruin instead of the advantage of the poor man, whose rights it affected; and he felt it his duty to oppose it.

Sir *Henry Hardinge* having been a member of the Committee, was desirous to offer a few observations. As a proof of the disinterestedness of the promoters of the Bill, he would inform the House, that one of the counsel against the Bill, who appeared for two commoners only, admitted, that he had no reason to complain of any want of liberality towards the poor on the part of its promoters; on the contrary, their generosity to the poor had been so much more than ordinary, that his clients were compelled to complain that they were damnified by it. Great doubts existing in the minds of the Committee with regard to what course ought to be pursued, and very conflicting testimony having been given before the Committee on both sides—indeed there was a strong party feeling on the subject—it was thought expedient, with the consent of both parties, to send down a person of known character and respectability, on whose testimony the Committee could rely. On his report, the Committee came to the decision, that the preamble was proved, that "it was advantageous to the poor of Kingsclere, that this enclosure should be made." Under these circumstances, what was the Committee to do? Every proposition made by the opponents of the Bill was assented to; ten-elevenths of the property were in favour of the Bill. Forty-three rate-payers and 286 cottagers had petitioned for this enclosure. They lived in the village, which was three miles distant from the common. They had an equal right to the common with those parties who lived upon its confines, although they were unable to make the same use of it, from the distance at which they were located from it. By a clause in the Bill, seventy-five acres in the immediate neighbourhood of the village were to be given to these commoners in exchange for the rights which they now possessed, but of which they were unable to avail themselves. He asserted, that if the House threw out this Bill, it would be a declaration, that no enclosure should hereafter take place. He was an enemy to all enclosures of waste land in the neighbourhood of villages; he thought the villagers ought to have the means of amusing themselves after their labour; but he considered this a different case, and should therefore give the Bill his support.

Mr. *Pease* opposed the Bill. He had more than doubts as to the benefit to be derived from the enclosure of this common, for he had been informed by a witness of good authority, who had not, however, been examined before the Committee — that seventeen acres of this common had on a former occasion been enclosed by the parish, and that they had subsequently been abandoned.

Mr. *Godson* had one objection to this Bill, which, in his opinion, would be fatal to it. By the clause which had been read by the hon. member for Oxford, and which, as a lawyer, he must denounce as one of the most extraordinary clauses he had ever heard of, these poor cottagers, who now possessed as good a right from possession to their cottages and to their commonage as any Member in that House had to his estate, were deprived of that right? Why should the House sanction the principle, that possession, the best legal right, should be taken away, and these parties should be put to the expense of proving their right to the very party who was opposed to them? Was there to be one law for the rich, and another law for the poor—a law for a man of 100*l.*, and a different law for a man of 1,000*l.*? The principle was most unjust, and one to which he could never give his sanction.

Mr. *Blackburne* had never seen such a clause introduced in any Bill. He was bound to say, that if this clause formed a part of the principle of the Bill, he could never consent to it; for it either gave to some one a right he ought not to possess, or it took away from the poor man a right which he already possessed; inasmuch as if he had exercised his right of common for twenty years, he had as much title to it as if he had exercised it for 1,000. If he was to go before a Commissioner and prove he had exercised a right of common for twenty years, to the satisfaction of the Commissioner, he had a right to have the land given to him in fee. If the poor of the parish were willing to abandon the right they possessed in the common, he should be sorry to prevent them; but if any objection was made to it, he said it was taking away the right they possessed at law, and giving them another which was worth nothing.

The House divided:—Ayes 30; Noes 50; Majority 20.

The Bill put off for six months.

List of the NOES.

Aglionby, H. A.
Baines, E.
Beauclerk, Major
Bewes, T.
Blackburne, J.
Brotherton, J.
Buller, C.
Butler, Colonel
Cobbett, W.
Codrington, Sir E.
Collier, J.
Dawson, E.
Dobbin, L
Faithfull, G.
Fielden, J.
Fielden, W.
Finn, W. F.
Fitzsimon, C.
Fitzsimon, N.
Gillon, W. D.
Gully, J.
Halliburton, Hn. D.G.
Hodges, T. L.
Jacob, E.
Lalor, P.
Leach, J.
Maxwell, W.
Milton, Lord
Morrison, J.
O'Connell, M.
O'Connell, J.
O'Connor, F.
O'Reilly, W.
Oswald, R. A.
Parrott, J.
Pease, J.
Philips, M.
Potter, R.
Rider, T.
Ruthven, E. S.
Ruthven, E.
Sandford, Sir D.
Scholefield, J.
Sharp, General
Sullivan, R.
Thicknesse, R.
Trelawney, Sir W. S.
Wason, R.
Wigney, J. N.
Young, G. F.

TELLERS.

Walter, J.
Hughes, W. H.

PAIRED OFF.

Godson, R.
Wood, Col.

NEWFOUNDLAND FISHERIES.] Mr. *George Robinson* was sorry to occupy time upon a subject interesting to comparatively few; but it was necessary for him to state briefly the grounds on which he rested the proposition which he meant to submit to the House. The treaties with France respecting the Newfoundland Fisheries commenced with that of Utrecht, in 1703, and a clause upon the subject had been continued in all of them, down to that of Paris in 1814. By this clause a right was conceded to France of fishing on a part of the coast of Newfoundland, and the question to which he wished to direct the attention of the Law-officers of the Crown was, whether France, by the terms of the Treaty of Utrecht (for no others were important) had an exclusive right to that fishery, or only in participation with this country. Our fishermen who had employed themselves on the coast of Labrador, finding that the fishery there could be carried on only under disadvantageous circumstances, and understanding that they would not be permitted by the French, who claimed an exclusive right of fishing on a part of the coast of Newfoundland under the treaties to which he had alluded, to fish on that part of the coast, had thought it advisable to ascertain what was the opinion of their own Government on the question. A letter was, in consequence, written by the Chamber of Commerce at Newfoundland to the right hon. Baronet, the member for Perthshire, who was then his Majesty's Secretary of State for the Colonial Department, requesting to be informed whether or not the French had really a right to the exclusive fishery on the coast in question. The answer made to the Newfoundland Chamber of Commerce, by the Colonial Office, was of a very extraordinary nature, for it imported that the exact extent of the right in question was not ascertained. Upon this the Chamber of Commerce in Newfoundland, in June, 1830, fitted out a vessel to go to that part of the coast of Newfoundland on which the French claimed an exclusive right of fishery, and instructed the master of that vessel to insist upon his right to fish, but, at the same time, to avoid all hostile collision. It was but common justice to say, that the master of this vessel executed the commission intrusted to him with singular zeal and discretion. He proceeded to the French part of the coast, landed, and stuck up a notice of his intention to fish; upon which he was told, by the French authorities, that he had no right to do so, that the French had the exclusive right of fishing, and that, if he did not quit the coast peaceably, they must compel him by violence. The master, in order to fulfil his trust, served the French authorities with a protest against their proceedings. Just at this period a French sloop of sixteen guns arrived, the captain of which asked the master of the English vessel what business he had there; telling him, that he had no right to fish on that part of the coast, because the right of fishing upon it had been ceded to the French by treaty. The answer of the English master was, that he had been sent there to fish, and with orders not to leave the coast, unless compelled to do so. To this it was replied, that they must then compel him. Under these circumstances, the master thought, that he had fulfilled his mission, and left the coast; having previously asked the captain of the French sloop of war for a copy of his instructions, which was refused. He (Mr. Robinson), therefore, called on his Majesty's Government—for, on a question of national law, the opinion of the Crown should be known—he called on his Majesty's Government—and if the Government did not attend to his call, he must call on the House to address his Majesty to take the proper means for ascertaining what our rights were under the existing treaties; and, having ascertained those rights, to maintain them. The subject was one of considerable importance. All parties concurred in the value of the fisheries in question. America had, indeed, availed itself, to a great extent, and to our great prejudice, of our remissness. He contended, that it behoved his Majesty's Government to take such steps as should prevent British subjects from being any longer in doubt on the point. If that were not done,—if his Majesty's subjects were left in ignorance of the real state of the case,—what was to prevent them, being three to one in number, from going to the French part of the coast, and compelling, by violence, the right to fish there? God forbid, that he should suggest any such proceeding; but it might by possibility occur. What reason could there be for this reserve upon the subject on the part of his Majesty's Government? He did not suppose, that we were afraid of France. For his part, he was convinced, that there was not a word in the treaties which conveyed to France the exclusive right of fishing on the coast in question. Not only had they no right of exclusive possession of the fishery, but the French were prohibited from remaining permanently on the coast; and it was provided, that they should go from France to the fishery, and, at the end of the season, return to France. All that, in his opinion, the treaty secured to the French was, a concurrent right to fish with the English. On what grounds, therefore, the assumption rested he did not know. If on usage, he contended, that that was no ground, however long the usage might have been continued. If France had no right to the exclusive fishery, why allow her claim to it? Under any circumstances the time had arrived when the question ought to be completely set at rest. Even supposing the Law Officers of the Crown decided against his opinion, there would be some advantage in putting an end to the discussion, and both French and British subjects would know what the law was. He would detain the House no longer, but would move, "that an humble address be presented to his Majesty, praying that he would be graciously pleased to give directions, that the opinion of the Law Officers of the Crown should be taken as to the construction of the various treaties between Great Britain and France, relative to the right of exclusive fishing on our part of the coast of Newfoundland claimed by France, so that the fact ought to be ascertained, and instructions be given by his Majesty's Government to protect the British fishermen in the exercise of their just rights and privileges."

Mr. *Poulett Thomson* did not rise to oppose the Motion, but to express his hope, that the hon. Member would be induced to withdraw it; for although it might be expedient to take the opinion of the Law Officers of the Crown on the subject, it was not necessary, and it might be inconvenient, to take it in the formal manner proposed by the hon. Member. He wished he could agree with the view of the subject taken by the hon. Gentleman, but, having attended to it at various times, and especially when the question was brought forward by his amiable and lamented friend Mr. Villiers, he was bound to say that, although he hoped we might be able to establish our claim, he had not the confidence in the subject which the hon. Member expressed. The hon. Member had referred to treaties, but he ought, also, to refer to the declarations by which those treaties were accompanied; for it was only by such a context that the matter could be determined. The House was probably aware, that this subject had been under the consideration of successive Governments in this country since the year 1783, and that various opinions had been entertained respecting it. Nay, on one occasion, two Members of an Administration, one in the other House, and one in the House of Commons, expressed opinions directly opposite to one another upon it. He mentioned this, to show that the subject was one involved in considerable difficulty. The opinion on which he confessed he should be disposed principally to rely, was that of Mr. Huskisson, to whom, during the short time that he was in the Colonial Office, an application having been made to assert the rights of the British fishermen by force, his answer was, that he thought it unadvisable to enter upon an assertion of the right, and that it would be better to leave the matter open to negotiation. He repeated these things, merely to show the difficulty of the case; and he recommended the hon. Gentleman to withdraw his Motion, assuring him, that attention should be paid to it; and that, whatever might be the opinion of the Law Officers of the Crown, every effort should be made to conclude an amicable arrangement of the matter. The hon. Member said, that the Americans exercised the right of fishing on the coast in question. If so, we ought certainly to enjoy the same privilege; for the Americans must claim on our right, as established by the treaty of 1783. As he was informed, however, the Americans sent a frigate to assert their right; but he must say, that he should be exceedingly sorry to employ force. After what he had stated, he trusted the hon. Gentleman would withdraw his Motion.

Mr. *Robinson* trusted, that his Majesty's Government would not allow the question to go on in a doubtful state for an indefinite period; for, although he deprecated a quarrel with France upon it, he was anxious that the matter should be ultimately settled. He trusted, therefore, that, before the next Session of Parliament, something might be done finally to settle the question.

Mr. *Baring* admitted, that it might be inexpedient to move formally for the opinion of the Law Officers of the Crown on the subject. He must say, however, that the British fisheries, whether on the coast of Newfoundland or in the Channel, had not the attention paid to them which they formerly received; and they were in a very declining condition. Now, this was a very important consideration; the fisheries being highly valuable, not only as a branch of our trade, but as a nursery for our seamen. He could not help calling the particular attention of his Majesty's Government to the condition of the British fisheries on the coast of Guernsey and Jersey. In former times the interests of those fisheries had experienced the peculiar care of Government, and were considered among those interests which it was their especial duty to protect. He was sorry to say, that was not the case at present; and that, while the French Government were cherishing their fisheries everywhere with the greatest possible care, the British Government evinced an apathy with respect to our fisheries, which was highly reprehensible.

Motion withdrawn.

RECIPROCITY OF DUTIES ACT.] Mr. *George F. Young* rose to bring forward the Motion of which he had given notice, for leave for "a Bill to repeal the Act 4th George 4th, c. 77, commonly termed the 'Reciprocity of Duties' Act,' with the view of restoring to Parliament its constitutional control over all treaties with foreign Powers, involving the commercial interests of the British community." He could assure the House, that it was not his wish to occupy, by any Motion of a speculative character, that time which he fully admitted ought to be devoted as much as possible to practical measures. His object was purely practical; and if the House would give him its indulgence, he would endeavour to prove, that the Reciprocity of Duties Act, as it was called, ought not to remain longer on our Statute-book, that even the present session should not be allowed to pass without repealing it, which would afford a proof of the anxiety of Parliament to redress the grievances of the people. In urging this on the attention of the House, he would take up as little of their time as possible. He felt his own inadequacy to the task which he had undertaken; but though he did, he was urged to it by a sense of duty, from which it would be weakness or affectation to shrink. He had formed his opinions of this Act on long experience and careful inquiry; yet he owned, that he came to the task with a full confidence of his incapability to impress upon the House his own firm conviction of its injustice and impolicy. The subject had occupied the attention of the greatest orators, writers, and statesmen, of our times. The Reciprocity of Duties Act gave the Crown the power of contracting Treaties with foreign Powers, by which their vessels might be admitted in certain trades, and on certain conditions, to enter our ports on an equality with our own vessels. The first Treaty which was contracted under this Act, was that with Prussia, concluded on April 2nd, 1824, which was to continue in force for ten years; and, after that, either of the contracting parties might put an end to it by giving a year's notice, so that it would expire on the 2nd of April. The country had it now in its power, therefore, to annul or repeal the Treaty, should it be injurious to the national welfare. He impugned the Act on which that Treaty was made, as unconstitutional, impolitic, and unjust. The Act had signally failed, which was proved in the distress of the shipping interest, caused in great part and aggravated in all by the Treaties concluded under that Act. The direct tendency of those Treaties was, to discourage British shipping, and to injure the various classes connected with British shipping to such an extent, that to delay further the proposal for the Repeal of the Act, would be a direct neglect of duty, and injurious to the best interests of the country. The policy of our Navigation-laws was the encouragement of our shipping, which was sometimes effected at the expense of those connected with shipping, though counterbalanced by granting them certain privileges. The first statute connected with the protection to British shipping was the first of Henry 7th., c. 8. It granted them exclusive privileges, but it said, that all mariners navigating them should be British. The fifth of Elizabeth excluded foreigners from our fisheries, the thirteenth from our coasting trade, and, in 1646, an Act was passed which excluded foreigners from our colonial trade. These and other Acts, embodied by Cromwell, and renewed and consolidated by the 12th of Charles 2nd., constituted what were called our Navigation-laws. The hon. member then quoted the authority of Sir Josiah Child, Dr. Adam Smith, Lord Wallace, Mr. Huskisson, and other eminent men, in favour of the principle and effect of the Navigation-laws. The right hon. Gentleman, the President of the Board of Trade, had, on May 7th, 1827, quoted the work of Sir Josiah Child, against the Navigation-laws. He was surprised at that, for he could state from a careful perusal of the book which he held in his hand, that there was not one word in it, from beginning to end, against those laws. He hoped, therefore, that the right hon. Gentleman would be more particular in his quotations in future.—[Mr. *P. Thomson*: I never quoted Sir Josiah Child.]—The right hon. Gentleman was so represented in *Hansard's Parliamentary Debates*, and an hon. friend of his told him, that he heard the right hon. Gentleman quote the work; but, of course, after the right hon. Gentleman's denial, Hansard must be wrong. It was true, that the late Mr. Huskisson altered the Navigation-laws in several particulars, and he was a high authority. He had come frequently in contact with that eminent man, and, though he differed from him widely on this question, he could never doubt his vast extent of information, his profound judgment on all subjects connected with the trade and commerce of the country, and his anxious desire to promote what he conscientiously believed the interests of the country. Never could he join in the abuse which was poured upon that able Minister, and on the occurrence of the lamentable accident which deprived that Gentleman of life, he had deplored that event as one of the most serious losses which the shipowners could suffer. He thought Mr. Huskisson wrong; but that Gentleman had intellect to detect his error, manliness to avow it, and honesty enough to retrace his steps, when the conviction flashed upon his mind. He could have confided in the administration of Mr. Huskisson, leaving events gradually to develope themselves. He wished that he could place the same confidence in those in whose hands the care of our commercial and maritime interest was now reposed. His successors had grasped at the mantle of the prophet, expecting to imbibe also his inspiration, but they had obtained only a worthless covering. The first object of our commercial policy was, to rear a body of hardy sailors for the defence of the country. And it had accordingly, been provided by the Navigation Act, that every British registered ship should be navigated by a crew, of which three-fourths, at least, were to be British seamen; and, that every British registered ship engaged in the coasting trade and fisheries, should be navigated by a crew of which the whole was British. That, among other Acts, had been consolidated last Session and formed part of the 2 & 3 Will. 4th, cap. 54. No British registered ship was suffered to depart from a British port, without a crew consisting of three-fourths natives of these islands. The shipowners were compelled also to take on board a certain number of apprentices in proportion to the tonnage. These enactments entailed on the shipowners great expense, owing to the high rate of wages, and the high price of provisions in this country. Another object was, to exclude foreign ships from those departments in which they were prohibited from engaging by the Navigation-laws, by affording a ready means of distinguishing such as were really British. Again, our foreign trade and our shipping had been made subservient to our home manufactures. In the 5th section of the Registry Act, it was enacted, that the registry should be restricted to ships which were wholly of the build of the United Kingdom. The 7th clause also limited the repairs of British ships in foreign countries to 20*s.* per ton. He held in his hand a list of articles of essential importance in ship-building, all of which were liable to heavy duties upon importation into this country. First of all, the ship itself was wholly prohibited—it must not be imported at all. Then there was a duty of fifty per cent on iron, thirty-three per cent on copper, fifty per cent on casks, forty-four per cent on sailcloth, 2*l.* 15*s.* per load on oak timber, and so on. Live cattle were taxed; grain was prohibited at a low price and protected at a high one; fruit and vegetables paid a duty varying from forty to fifty per cent;—in one word, all the articles required by the shipowner to build and provision his vessels paid a heavy duty. He did not complain of the imposition of those duties, which was founded on a wise policy, but they increased the cost of ships and the cost of navigation, and proved onerous in the pursuit in which he and others were engaged. In the pursuit of that policy, the Legislature had justly extended to navigation certain protections. The coasting and colonial trade was confined entirely to British ships. That protection had been continued for the most part up to the present hour, though some relaxations had been permitted, which had done considerable injury to British navigation. The Navigation Act declared, that no goods or commodities whatever of the growth, production, or manufacture of Asia, Africa, or America should be imported into England, except in ships belonging to English subjects, and of which the master and the greater number of the crew were also English. It also declared further, that no goods of the growth, production, or manufacture of any country in Europe should be imported into Great Britain, except in British ships, or in such ships as were the real property of the people of the country or place in which the goods were purchased, or from which they could only be or most usually were exported. By the Navigation-laws' Amendment Act, and by the Warehousing Act, these enactments were altered. The enumerated articles, as they are called, may now be imported either in British ships, in ships of the country of which the goods are the produce, or in ships of the country or place from which they are imported into England, and, by the Warehousing Acts, they may be imported in any ships whatever. Another mode by which British navigation was protected was, by imposing upon foreign ships charges for lighting and port dues, beyond those imposed upon British ships. That regulation had been abrogated with those countries with which we had entered into treaties of reciprocity; and it was not unworthy of attention, that this had been a costly permission to foreign, as well as an injurious permission to British, navigation. The amount of duties thus remitted to the foreigner had been paid out of the Consolidated Fund; and since 1825, had reached the sum of 261,000*l*. The amount would have been still higher, had it not so happened, that some individuals had not claimed the dues to which they were entitled as the owners of lighthouses. In the last Session of Parliament, an Act had been passed for paying 160,000*l*. to the Corporation of London for the claim to charges upon foreign shipping, which they had remitted. He would not have blamed the Government for redeeming those dues, if the Corporation of London had been entitled to them in perpetuity; but the fact was, that they were contingent on the Reciprocity Act, which he now called upon the House to repeal. If the House should deem it expedient to repeal that Act, it would have purchased from the Corporation of London in fee, duties to which that Corporation had only a contingent title. Another mode in which protection was extended to navigation was, by the imposition of discriminating duties on commodities imported into this country in foreign ships, beyond those imposed on the same commodities imported into it in British ships. These discriminating duties had been abrogated, so far as regarded all countries with which we had entered into reciprocity treaties. And as they had constituted the most important protection which British navigation possessed, he would briefly explain their nature and effect. It was obvious, that there could not be two prices for the same article in the same market. Now, if that were the case, and the same species of article were imported in a foreign and in a British ship, as the foreign ship was liable to heavier charges than the British ship, the British shipowner obtained in freight the difference between what he and the foreigner had to pay in charges. Discriminating duties, prudently imposed, contained nothing unfriendly or unjust to foreigners; and those which our Legislature formerly imposed had not operated unjustly either on foreign or on British interests. At the instigation of Prussia, as Mr. Huskisson had candidly admitted at the time, our discriminating duties, so far as Prussia was concerned, had been done away with; and the British shipowner, burthened as he was already, had been told, "You, the heaviest taxed of all nations, must carry on trade in free competition with a nation the least taxed in the world, and in which all the commodities for provisioning ships, and materials for building them, were very cheap, or you must give up navigation altogether." That the expenses of navigation had been increased by the disqualifications to which he had just alluded, no man could doubt; never was testimony more concurrent than the testimony which had been given on this point last Session, before the Committee on Trade and Navigation. It appeared, that upon the cheapest calculation, the expense of building a ship in this country was not less than 12*l*. a-ton; while upon the highest calculation the expense of building a ship in Prussia did not exceed 8*l*. a-ton. Thus in the production of our ships the cost was fifty per cent more than that which fell upon the foreigner. In the cost of navigating the ship the disparity of expense was still more visible. Our wages for seamen varied from 40*s*. to 60*s*. a-month, the average being 50*s*. a month. In Prussia the average was 25*s*. a-month. In point of wages, then, Prussia had an advantage equivalent to 100 per cent over the British shipowner. In the cost of provisions the disparity was even still more striking. Not only was the cost of victualling a ship dearer in England, but from the habits of our people they required a more plentiful supply of better and costlier diet. The laws of Great Britain prevented the shipowner from provisioning his vessel with foreign grain. Such grain was stored in British warehouses, but the shipowner was prevented from taking it out by the protection which the Legislature thought fit to give to the agricultural interest. He did not blame the Legislature for giving to the agricultural interest that protection. It was, in his opinion, wise to do so, for when he claimed protection for the interest with which he was himself personally connected, he could not be so absurd as to deny it to others. If he was right as to the causes of the disparity of expense incurred by the British and foreign shipowner, it was unjust in Parliament to expose the British shipowner unprotected to such a competition as he had just described. That injustice was of a double character. As subjects of the same Government, governed by the same laws, and exposed to the same burthens with the rest of their fellow-subjects, the shipowners were entitled to the same protection as was afforded to the other interests of the community. In every species of article which was requisite for the production of ships they were peculiarly taxed. Let any man turn to the consolidated duties of the customs, and he would there find, that the duties upon the importation of all foreign articles intended for domestic consumption were heavy. Affording a protection to the home manufacturer greater even than was afforded to the agriculturist. The duty on wax candles, for example, was 120 per cent, on tallow candles 100 per cent; on tin ware the duty was 100 per cent; on manufactured steel the duty was twenty per cent. In the more important articles of our production, the duty on cotton goods was ten, on woollen fifteen, on silk thirty per cent, and on linen forty per cent. Among the many productions of British manufacture he had been unable to find one which was not protected against foreign competition. In the 6th of George 4th, which contained various prohibitions on importation, there was an express recital, that those restrictions were not for the benefit of the revenue, but for the better encouragement of trade and manufactures. It was said when the consolidating act of last Session was introduced, that it was only intended for purposes of revenue, and not for purposes of restriction. He did not know how it happened—he did not suppose, that it was intentionally, but it was an ominous circumstance, that this recital was omitted in the new consolidating act. If he looked at the most expensive or at the most trifling articles, even toys, he found that there was no article produced by the skill or industry of British artisans which did not meet with legislative protection, save British shipping only. This was a gross act of injustice to the British shipowner; for the Legislature not only took away from him the protection which it granted to every other class of the community, but inflicted upon him an exclusive burthen. For the protection of the British landowner, the shipowner must build ships of wood the growth of this country, and a heavy duty was accordingly imposed on foreign timber;—for the benefit of the British artisan, the shipowner's property was liable to forfeiture if he expended more than 40*s*. a-ton, in repairs in a foreign country;—for the benefit of Ireland, and he by no means objected to this enactment of the Legislature, the shipowner was prevented from importing grain and provisions from the north of Europe;—for the benefit of the British navy he was compelled to navigate his ships by British sailors, to whom he must pay 50*s*. a-month, when he could get foreign sailors at 25*s*. a-month, and then he was calmly told to go and compete with the foreign shipowner. "Sir, we cannot." Sooner or later, the conviction which he had just stated in the briefest terms which he could use, would force itself on the attention of Parliament, or, if not, that British navigation would sink into utter ruin. If it was no longer necessary for the purposes of defence to encourage our commercial navy, he hoped that with such a conviction, would come a conviction of the necessity of releasing the shipowners from their present disqualifications. Let the House be consistent and be just. Either repeal the Navigation Acts and the Registry Acts—either leave them to build and navigate their ships as cheaply as they could—or give them a protection equal to the disqualification imposed upon them. Whilst protection was given to every other interest, no protection was given to the shipowners. It had been admitted by Mr. Huskisson,—and the position had been affirmed by every minister who had succeeded him,—that, in all cases where the interests of commerce and navigation came into collision, the interests of commerce must give way, and those of navigation must be protected. He recollected well, that when this doctrine was first advanced, the House was indulged with flourishing anticipations of the advantages which the general interests of the country would derive from this new system. But he should be able to show, that the concessions made by our Government had failed in producing the consequences which had been promised. Not only had injustice been done to the British shipowners, but also injury to the interests of British navigation. He thought that he should be able to prove, that none of the benefits anticipated had been realized—that foreign nations had not been incited by our example to relax the severity of their restrictions against us, but, on the contrary, they had increased them. In corroboration of this statement, he would beg leave to draw the attention of the House to a few lines from the speech which Mr. Huskisson had made in introducing his measure for giving the authority of the Legislature to this reciprocity system. 'In July, 1821, the 'United Netherlands,' said Mr. Huskisson, 'passed a law allowing a premium 'of ten per cent upon all articles imported 'in Dutch vessels. Prussia had also 'raised the dues on our vessels, and had 'intimated, in a manner not to be mis- 'taken, that she would more fully adopt 'the retaliatory system if we continued 'our present policy. We must, therefore, 'adopt a perfect equality and reciprocity 'of shipping duties. Its effect, he was 'persuaded, would lead to an increase of 'the commercial advantages of the 'country. He had no doubt that when 'England abandoned her old principle, 'the United Netherlands and the other 'powers who were prepared to retaliate, 'would mutually concur in the new 'arrangement.' * Now, had the United Netherlands given up that premium of ten per cent? No such thing. Far from those expectations having been realized, we were now proceeding to retaliate upon the Dutch the discriminating duties they yet kept up, and there were yet other countries equally hostile to our commercial policy, on whom we were not prepared to retaliate. This was the first falsification of the prediction of Mr. Huskisson. The Spanish trade proved the same thing, for the enormous discriminating duties which the Spanish Government had imposed on all productions imported in British ships into Spain had nearly driven British shipping out of the trade with Spain. In the three years between 1823 and 1826, one house, which he knew, loaded sixty-four sail of British ships for ports in Spain, but did not load a single Spanish ship. But, from 1826, when the discriminating duties of Spain came into operation, they had loaded thirty-eight Spanish ships, which had procured freights averaging 2*l.* 12*s.* 10*d.* per ton, whilst the British ships which continued to sail had been reduced to fifty-one in six years, obtaining only an average freight of 13*s.* 6*d.* per ton. He knew a recent instance of a Spanish and English ship taking in their cargoes alongside of each other, in the river Thames, and although the English ship was, through the preponderating influence of the merchant concerned, loaded, it was at less than one-third of the freight obtained by the Spanish ship, and for this reason, that the goods landed in Spain from the British ship would be subject to a duty so much greater than those landed from the Spanish ship, as to render a shipment in a British bottom almost impossible. This had been repeatedly urged upon the Board of Trade, but the right hon. Gentleman answered, that it was not worth attention, as it only affected some half-dozen ships; but, on referring to the documents in the Library, he found, that no less than 14,000 tons of Spanish shipping had cleared outwards in the preceding year. The same was the case with regard to France, and on that subject he would quote the very edifying report on the commercial intercourse between England and France, which had been recently presented to the House by Dr. Bowring. The hon. Member read various passages of this Report to show, that British commodities were yet subjected to very heavy discriminating duties in France. This, then, was the return which England was to receive for tendering the right hand of fellowship to every country in the world! The hon. Member continued to read further extracts from the Report, for the purpose of showing the determination of the French Government to give every encouragement to home production. Here, then, was an exposition of the commercial policy of France, supplying an irrefragable proof of the error of those parties who declared with so much confidence that, if we once passed the Reciprocity Bill, France would immediately be found competing with us in the race of liberality. Had Prussia treated us with greater liberality than France? He was unwilling to trouble the House with details, and would, therefore, only allude to the efforts which it was well known that country was making to establish a cordon not only round her own territories, but round all the states of Germany, for the express purpose of excluding British productions. He could not avoid mentioning another fact connected with navigation, as affording an instructive elucidation of the liberal disposition of Prussia towards this country. The principal article of export from this country to Prussia was salt; and yet it was a fact, he believed, that not a single cargo of salt was carried there in English ships, though, in conformity with the stipulations of the Treaty, English ships were only to be subjected in the Prussian ports to the same charges as Prussian ships. Such being the fact, how was it to be accounted for? By the circumstance of salt being a royal monopoly, and consequently being permitted to be imported by none but native ships. Thus the only article which it was worth our while to send to Prussia, the Government of that country, notwithstanding the treaty of reciprocity, would not allow to be carried there in English vessels. What, too, had been the conduct of America with respect to reciprocity? It had been, indeed, found impossible to carry the tariff fully into effect, and it consequently received certain modifications; but were they favourable to British commerce? Were they framed in the spirit of liberality, and did they exhibit a disposition to extend the commercial intercourse between the two countries? On the contrary, those modifications were calculated to exclude from America, as far as it was possible, considering the situation of that country, arising out of the conflicting interests of the southern and northern provinces, British productions and manufactures, for the purpose of giving encouragement to the productions and manufactures of America. He would only mention another instance of a similar kind, having reference to the town of Stade, situate on the river Elbe, in the Hanoverian dominions, on the opposite side of the river to Hamburgh. All ships going to Hamburgh must pass that town, and though the King of England was King of Hanover, yet it was a fact that a duty was there exacted on British ships which was equal to the whole amount of the freight received by them for sailing from this country to Hamburgh, from which duties Hamburgh ships were wholly exempted. It would be necessary for him to go into some statistical details; but his apology was, that this case was founded upon statistics, which he averred to be mistaken, and, therefore, he asserted that the Parliament and the country had been misled in the regulations which had been adopted. He averred, that the shipping interest, contrary to the statements which had been so confidently set forth as to its prosperity, was in a very depressed and declining state, partly owing to the effects of the reciprocity system, and partly, as he acknowledged, owing to other circumstances, by which our navigation must have suffered to a certain extent, but which in themselves rendered it the more important that the hand of encouragement and protection should be held out instead of being withdrawn at the very crisis when it was most needed. He averred, that the total of British tonnage had not increased since the passing of the Reciprocity Acts. The shipowners felt, that they were ruined, although from the circumstance of a few ships being yet built, some persons argued that the trade must be prosperous. He said, that our shipping engaged in foreign trade had not increased in proportion with that of other countries; on the contrary, that in the countries with which we had reciprocity treaties it had diminished, while the foreign tonnage was augmented. He also asserted, that British shipping was deteriorating in quality, and was losing the estimation in which it had been held in the various quarters of the world. He first said, that British navigation was in a depressed and declining state. To prove this proposition, he should quote a few of the answers given to questions put to Gentlemen examined before the Committee which sat to inquire into trade and navigation last Session, and he would assure the House that he had selected these opinions rather from the testimony of individuals whose opinions were opposed to his views than leant towards those who concurred in his notions on the subject. The hon. Gentleman read extracts from the evidence of Joshua Bates, Esq., James Cook, Esq., Mr. John Astle, of Dublin, Mr. John Spence, of Sunderland, Mr. W. Richmond, of North Shields, Robert Anderson, Esq. of South Shields, Mr. Samuel Cooper, of Hull, Mr. Robert Benton Roxby, Mr. Allen Gilmour, of Glasgow, Mr. Henry Turner, of Sunderland, and Robert Abraham Gray, Esq. all representing the shipping interests to be in a declining state. He had next to show, that freights had declined in a far greater degree than the expenses of navigation, which was an evidence of depression. For this purpose he read the evidence of Robert Carter, Esq., John Diston Powles, Esq., Robert Anderson, Esq., John Nicolls, Esq., R. A. Gray, Esq., Kirkman Finley, Esq., G. Larpent, Esq., John Innes, Esq., and James Aiken, Esq. He had also stated, that a great loss of capital had been incurred. In support of this assertion, he referred to the testimony of Mr. Nicholls who stated, that three or four ships, of which he had the accounts since 1825, exhibited a total loss. The balance was nil—there was nothing to divide after the vessels were sold. Mr. Barry stated, that a ship of the value of 7,000*l.* built in 1825, and one of 8,000*l.* built in 1826, exhibited each a loss of forty-eight per cent. Mr. Nelson stated, that eight ships which cost 37,500*l.* paid dividends averaging two and one-eighth per cent, per annum, for six years. The ships were not fully insured, and the freight not at all. If the freight had been insured, there would have been nothing to divide. And at the time when he gave his evidence there had been 10,000*l.* sunk upon them. The amount of tonnage mortgaged would also lead to important conclusions. In the four years from 1825 to 1828, there had been 248,566 tons wholly or partially mortgaged. In the four last years, the amount was 306,971 tons, being an increase of 69,442 tons beyond the preceding four years. This Return showed, that a fourth part of the entire tonnage of the empire had been wholly or partially mortgaged within the last eight years, and that the annual average generally mortgaged in the latter half of that period exceeded that of the former half by nearly twenty-five per cent. It appeared, also, that formerly mortgages were taken upon ships as an investment for money, but that practice had now almost entirely ceased, and ships were now mortgaged to tradesmen for the payment of debts. An individual, through whose hands a vast number of such mortgages passed, said, that he never knew a single instance of a mortgage upon a ship being redeemed. The next statement which he had to make possessed a good deal of importance, and in impugning public documents and statements which had been very confidently made in that House and elsewhere, he knew that he was taking upon himself a responsibility which, he trusted, he should be able to justify. The hon. Member then read the following statements.

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* Hansard (new series), vol. ix. p. 796.

	Tons.
In 1817, the tonnage belonging to the British empire was, per returns	2,664,986
Ships built up to 1826	1,189,322
If, therefore, no losses had occurred, the tonnage at the end of 1826 would have been	3,854,308
But, according to the returns, it was	2,635,644
Thus remained the aggregate loss written off during these ten years	1,218,664
Forming an average of	121,866
On registering ships *de novo* there appeared to have accumulated no less than 346,966 tons, which were *really* extinct, and as this had arisen in forty-one years, one year's proportion was	8,463
Making the real annual losses to be, tons	130,329
In 1827 it appeared the returns made the tonnage of the British Empire to be	2,460,500
Since then there had been built	624,226
Then in 1832, if no losses had occurred, the tonnage would have been	3,084,726
Average losses for five years, at 130,329 tons annually	655,645
Showing the real tonnage in 1832 to be	2,433,081
Instead of	2,618,068
Leaving a fresh accumulation on the registry of tonnage actually extinct of	184,987
Mem.—The tonnage in 1827 of	2,460,500
And that for 1832, corrected as above of	2,433,081

were both erroneous, to the extent of 90,394 tons of colonial shipping, extinct in 1827, but not struck off the registry until 1828 and 1829. Thus we had upwards of 40,000 tons less than in 1827, and considerably less than at the conclusion of the war, when those statements demonstrating the flourishing state of the British tonnage were made by Mr. Huskisson. He had before stated, that our foreign carrying trade had not increased since the passing of the Reciprocity of

Duties Bill, and he was borne out in this statement by an official paper which he held in his hand, showing the number of British and foreign ships, entered inwards, in 1817, 1824, and 1831. From this paper it appeared, that during the seven years previous to the commencement of the reciprocity system, the increase of British tonnage entered inwards, as compared with the foreign, was 22 per cent greater, but that for the seven years succeeding the establishment of reciprocity, the increase of foreign tonnage entered inwards, exceeded that of the British by 183 per cent. This difference in favour of foreign nations had progressed in an accelerated proportion, for in 1831 and 1832, the increase of the foreign tonnage exceeded that of the British 213 per cent. Within the same period of time the amount of Prussian shipping increased twenty-six per cent; the shipping of other foreign countries twenty-three per cent, while British shipping increased in amount only sixteen per cent. He had felt it his duty thus to make special reference to Prussia, because that country had taken the most prominent part in effecting that course of policy which Mr. Huskisson declared had compelled him to adopt the reciprocity resolutions. How the anticipations as to the results of the reciprocity system were borne out, would be ascertained by a reference to the returns of the official value of imports and exports, and the amount of tonnage entered inwards during periods antecedent as well as subsequent to the adoption of the Reciprocity system of policy. These returns exhibited a complete falsification of the statements which were made, that from the concessions, British tonnage would have nothing to fear in point of competition, and that if even British navigation suffered, British commerce would be benefited in an immensely greater degree. The returns to which he alluded, extended from the year 1820 to 1831, and showed, that in 1820 the total exports to Prussia amounted to 1,317,181*l.*, while in 1831 the amount of exports was only 829,303*l.* On the other hand, the total official value of imports in 1820 was 729,683*l.*, and in 1831, 1,200,150*l.* During the four years which preceded the passing of the reciprocity Acts, the excess of the official value of the exports to Prussia beyond the imports was, in 1820, 587,498*l.* That excess, he admitted, diminished from that period, but still in the year 1823 amounted to 129,934*l.* [From the hurried manner in which the hon. Member read his statements, the accuracy of the figures is not guaranteed.] The hon. Gentleman proceeded to state, that up to 1823 this country continued to export to Prussia a greater amount in official value, not only of British and Irish manufactures, but also of foreign and colonial produce, than was imported from Prussia, but that the moment the reciprocity treaties were completed, the tables were turned, and in 1824, the very first year the new system came into operation, this country imported of the cheap and almost worthless productions of Prussia, to the amount in official value of 151,824*l.* more than was exported to her from this country. The excess of imports over exports continued increasing till in the year 1831 it amounted to upwards of 370,800*l.* He had shown, then, that the exports to Prussia had diminished, while the imports had increased, and that the period at which the change took place, was that very period when the Reciprocity Acts came into effect. He had also shown from these returns, that the results which had been anticipated had not followed. It had, however, been said —nay, it had been promised, that the mercantile navigation of this country, would not be injured by these concessions which were made by the Reciprocity Duties Act. But what, however, was the fact? The returns to which he had already referred, stated, that the amount of British ships entered inwards, was 87,451 tons, and of foreign ships 60,450; while in 1831, the entry inwards of British ships was 84,921, and of foreign 141,532 tons. The simple statement, then, stood thus—that from the year 1820 to 1823, there was an excess of exports to Prussia over imports, amounting in official value to 376,913*l.*, while the excess of imports over exports from 1824 to 1827, amounted in official value to 384,765*l.* The next document to which he should call the attention of the House, was curious and novel in its kind, but was one which he thought would not be entirely deficient in answering the purpose for which he quoted it. It was a statement of the population returns according to the census taken in 1821, and also in 1831, of the official value of imports and exports, and of the amount of tonnage entered inwards, British as well as foreign, distinguishing, under the latter head, the tonnage of the northern reciprocity countries. In the year 1821, then, the number of the population of the United Kingdom was 21,193,000; and in 1831, it was 24,271,000, thus showing an increase of 3,078,000, or fourteen and a-half per cent. The state of the importations of the United Kingdom at present was very remarkable, and showed, that the change of system that had been adopted had led to a great increase in the importation of foreign produce. In 1821, the official value of our imports was 30,792,000*l.*; in 1831, it was 49,713,000*l.*; being, in point of fact, speaking in round numbers, an increase to the amount of 18,900,000*l.* in the imports of the United Kingdom in the course of ten years. Thus it appeared, that there was an increase to the amount of sixty-one and a-half per cent. In order to comprehend the assertion, that there had been an increase in the tonnage of the ships engaged in the trade, and the Baltic trade in particular, it was necessary to recollect, that the commerce generally speaking, was carried on with very bulky articles; and, therefore, a larger number of ships than would otherwise be the case was employed, and there was an apparent increase of tonnage. It was by merely listening to the assertion with respect to the increase of the tonnage of our shipping, without taking into calculation the circumstance he had mentioned, that the nation had been cajolled into the belief, that the shipping interest was in a most prosperous state. The advocates of the new system had lumped together the Returns respecting the imports, exports, and the navigation; and thus the country had been lulled into a false belief on these matters; and he feared, that as far as regarded the navigation of the country, the result might be fatal. In 1820, the whole amount of the tonnage that entered British ports was 1,995,530; and, in 1831, the amount was 3,241,927; showing an increase of sixty-two and a-half per cent, which certainly would make it appear that navigation had increased in a very remarkable degree. But, if it was an increase of navigation, was it an increase of British navigation? What had fallen into the hands of the subjects of Great Britain, and what into the hands of their rivals? In 1821, the amount of tonnage of British vessels entered inwards was 1,599,274 tons, and the tonnage of foreign ships was 396,256. In 1831, the amount of British tonnage entered inwards was 2,367,322; thus showing an increase of British tonnage to the amount of 76,000 tons, or an increase of forty-eight per cent. Between 1821 and 1831, however, the foreign tonnage had increased from 396,256, to 874,605 tons; being an increase of 478,000, or 120 per cent, which was a result not to be regarded without alarm. The aggregate increase in the amount of the tonnage in the Baltic trade was ninety-eight per cent. The tonnage of British shipping engaged in that trade, however, had decreased to the amount of twelve and a-half per cent, while the increase of foreign shipping engaged in the same trade amounted to not less than 210 per cent. Did not this show, that there was great reason for alarm at the competition to which this country was exposed with the chief nations of the North of Europe? After what he had said, he trusted that the House would no longer be led away with the belief that British tonnage had increased. He had shown, beyond any doubt, that the greater part of the increased commerce of the world had fallen into the hands of those whom we so justly feared as rivals. If reference were made to the whole of the reciprocity countries, it would appear that there was a great falling-off in the amount of British tonnage engaged in trade with them. He would take the tonnage of the vessels trading to the four Northern countries in 1817, and in 1831. He found, that in the former year the amount of tonnage of British vessels entered inwards from those countries was 428,000 tons, and, in 1831, 404,923 tons; thus showing a diminution in the tonnage of British shipping from the reciprocity countries to the amount of 24,000 tons. The tonnage of foreign shipping entered from those countries in 1817 was 372,293 tons; and in 1831, 717,710 tons; thus showing an increase in foreign shipping to the amount of 345,422 tons. The document which he held in his hand also showed, that, in the trade to Prussia during the years intervening between 1826 and 1831, there had been an average increase of the tonnage of British ships equivalent to six and three quarters per cent on those five years; it also showed, that during the same period the increase of the tonnage of foreign ships was equal to 105 per cent, and there had also been a diminution of our exports to that country to the amount of thirty-seven per cent. In the trade to Denmark the increase of the tonnage of British ships was sixty-nine per cent, and of foreign ships 703 per cent, and a diminution of exports to that country to the amount of twenty-seven per cent. It also showed, that in the trade to Sweden the diminution in the amount of the tonnage of British ships, was equal to forty-one per cent, while there had been an increase in the tonnage of foreign ships engaged in that trade of not less than eighty per cent, and an increase of the exports to the amount of thirty-two per cent. In the Norway trade the diminution of the tonnage of British shipping was fifty-five per cent, and the increase of the foreign shipping in the same trade was fifteen per cent; there had also been an increase of the exports to three and a-half per cent. The trade of Germany he had also taken, because it had often been said, that it was mixed up with the trade to Prussia, and that a large portion of the exports to that country were sent through Germany. It appeared that, in the trade to Germany, there had been an increase in the tonnage of British vessels to the amount of thirty-seven per cent, while the increase of the tonnage of foreign ships in the same trade was 307 per cent. At the same time, there had been a diminution of the exports to that country to the amount of twenty per cent. Thus, he had shown, that, upon the whole, in the trade with the five Northern countries, namely, Prussia, Denmark, Sweden, Norway, and Germany, with which we traded in conformity with the principles of the Reciprocity Act, there had been on the average an increase in the tonnage of British shipping to the amount of thirteen per cent; on foreign ships to the amount of ninety-seven per cent, and there had also been a diminution in our exports to those countries to the amount of twenty-one per cent. He recommended those who supposed that British commerce had greatly increased to take these matters into serious consideration, and see whether the time had not arrived when, even for their own interest, it was necessary to reverse the policy which had been pursued of late years. He had no doubt that those who induced the Legislature to adopt this system of commercial policy, at the time believed, that they were acting in a manner to promote the best interests of the country; but he had shown from the documents he had referred to that the result had been very different from what they had anticipated. The next document to which he was anxious to call the attention of the House was one of very considerable importance as regarded the shipping interests. He could not help drawing very painful prognostics from the deterioration in the quality of British ships, arising from the privations to which the shipowners had been subjected, and which prevented them constructing ships in the manner on which they should be built, or keeping them up in that manner in which they formerly were kept up, and which gave them advantages and a preponderance over the ships of all other nations in the world. Since, however, the change in the law as regarded our system of navigation, foreign competition had deeply affected our shipping interest, and from admitting foreign vessels to so large a share in our trade they now succeeded in obtaining freights in the various markets of the world, in preference to our own vessels. The document to which he was about to refer, was one of great importance, and to which he was most anxious to obtain the attention of the House. In 1819 there were 14,034 ships registered in Lloyd's books; 6,216 were of the first or superior class. They were called A 1 class, which was the mode in which the best class of ships were described in Lloyd's books. The number he had just given made it apparent that the proportion of ships of the best class was forty-four per cent of the whole. In 1832 there were 15,607 ships in Lloyd's books, of which only 5,000 were marked as belonging to A 1 class; that was thirty-three per cent. It appeared therefore, that there had been a falling-off in the best class of ships in the proportion of thirty-three per cent to forty-four per cent. The next class of ships were marked A 2; that was, that they were good ships, but not well supplied with stores. This circumstance was another proof of the distresss amongst the shipowners, and showed that, from the competition of foreigners, they obtained so low a rate for freight that they were unable properly to provision their vessels. In the class A 2, there were 163 in 1819, and there were 635 ships in 1832, insufficiently supplied with stores. In the class E, or the ships very indifferently supplied, there were in 1819, only 309, and in 1832, there were 800. In the class I, or those ships out of repair, that was not seaworthy, there were in 1819, 91; but, in 1832 there were 246. The inferior class of ships were insufficiently supplied with stores and provisions, and the great increase of those classes in the books at Lloyd's showed the distress that existed amongst the shipowners. Feelings of alarm must be excited at the decay that was taking place in the character of British ships, and which had been gradually going on since the passing of the Reciprocity Act. But the deterioration of British shipping was unfortunately corroborated by other evidence. It was distinctly proved by the testimony of several gentlemen who were examined last year by the Committee to which he had already referred—[The hon. Member quoted at some length the evidence of Mr. Gray, Mr. Gibson, Mr. Richmond and Mr. Kelly to shew the comparative deterioration of the character of British and improvement of that of foreign shipping.] The hon. Member again apologized for occupying for so long a time the attention of the House, and said, that nothing but his conviction of the immense importance of the subject, and a consequent feeling of duty, compelled him to trouble the House. He had endeavoured to draw up and make his statements as fairly as he possibly could, and he trusted, that hon. Members would examine them, and he was satisfied that they would be convinced of their accuracy and they would be convinced, that he had not exerted himself to give an exaggerated force or weight to the opinions he had uttered. He hoped he should not be considered as going too far in saying, that he had demonstrated that British commerce had not increased since the adoption of the principle of reciprocity in 1824. He thought that he had also demonstrated the depreciated state of the shipping interest since that period, and had traced such depreciation to that measure. He thought that he might appeal to the sympathy of hon. Members on that subject, as the House had always expressed a strong feeling of the importance of upholding the shipping interest. He would not, however, appeal to the sympathy of the Legislature, but would take a higher ground, and merely demand, that justice should be done. He did not ask favour for the interest which he represented, but merely required that it should receive impartial justice. He only asked what he considered every interest in the country was entitled to; he challenged any one to show him any powerful interest in the country to which the Legislature had not given some protection of one kind or another; and surely he was entitled to demand an equal protection for the shipping interest at the hands of the House. He protested against the gross injustice inflicted on the shipowners, who had been harshly treated because they had not the same influence and power as other bodies. He demanded, that the Government and the Legislature should take one of these two alternatives, either protection to the shipowners against foreign competition, equivalent to the extent they at present had burthens imposed on them, or that they should at once take off from them those restrictions and burthens to which they were at present liable. They were come before the House to demand that protection to which every interest in the country was entitled, and every hour's delay in withholding that protection increased the evils under which the shipping interest laboured; and he feared, if relief were not speedily afforded, the utter ruin of that interest would soon come to pass. He would propose, if protection were not afforded, that the House should repeal the Register Act. He did not call for the removal of trifling imposts affecting that interest. He did not demand, as it were, farthing reductions. He would not be satisfied with the reduction of the duty on timber. He went much further, and called upon the House to let the shipowners import their own ships, why should they not. If the House consented to that—and it was but justice—the shipping interest of this country might maintain its ground. In addition, he demanded that the shipowners should be at liberty to man their ships in the cheapest way they possibly could. To grant this would only be acting in conformity with the principles which Parliament professed. In common justice the shipowners were entitled to the same extent of protection, and to the same rights, as the manufacturer. The manufacturer was at liberty to import his machine. The ship was the shipowner's machine, with which he worked, and why was he not allowed to obtain it where he could purchase it at the cheapest rate? The truth was, however, that the Government and the Legislature dared not consent to such a proposition. He would caution the Gentlemen of England to be politic in time, and not to act upon principles which might so deeply affect them. It had long been the policy of this country to attack the weakest interest, and to sacrifice that to the clamour and selfishness of more powerful interests. The shipping interest had been so treated; and there was little doubt, if the same policy was pursued, that other interests would be sacrificed in a similar manner. He would ask the country gentlemen whether they were prepared to agree to the demands of the manufacturers? Were they prepared to sacrifice the protection they at present had, and to give up the Corn-laws? He must, however, assert, that the existence of the Corn-laws depended on upholding the principle he advocated. He contended, if the principle acted upon towards the shipowners were generally acted upon, that it would lead to the repeal of the Corn-laws; and he was satisfied, that neither the landed interest nor any other powerful interest in the country was prepared to be stripped of the protection it at present enjoyed. He asked, then, for the votes of country gentlemen that night, on the ground, that he was not advocating the claims of an interest or body of men who were prepared to obtain what they demanded by pulling down the country gentlemen, or to sacrifice the agriculturists, for the purpose of relieving themselves. On this part of the subject he was anxious to call the attention of the House to a circumstance that occurred some time since. The right hon. the President of the Board of Trade, desirous of enabling the British shipowners to maintain that strong competition which at present existed with foreigners, was anxious to afford all the relief in his power, as far as he could do without contravening those principles of commercial policy upon which he professed to act, and, therefore, brought forward a proposition for that purpose. The right hon. Gentleman introduced a Bill two years ago, which received the sanction of the Legislature, by which shipowners were allowed to obtain provisions from foreign ports for the purpose of victualling their ships. He believed, that the circumstance he was about to relate was founded in fact, at any rate, he knew that the Act he had just alluded to had not been brought into operation. It was well known, that beef and pork were, together with flour and biscuit, the most important articles in victualling a ship. Had the shipowners been allowed to procure those articles from foreign markets, it would have operated as a most sensible relief to them, without contravening any of those principles to which the right hon. Gentleman (Mr. Poulett Thomson) felt himself bound so pertinaciously to adhere. To the point he was about to mention he particularly begged the attention of hon. Gentlemen from the sister kingdom, as it, in some degree, affected them. An intimation was given to his Majesty's Government, that, if they allowed British ships to victual from foreign markets, and if this led to the diminution in the consumption of beef and pork from Limerick, they would have an opposition of such a nature to contend with, that it would not be very agreeable to them. The result was, the issuing a Treasury order, directing, that the operation of the Act should be suspended for a time. He was no lawyer; but he believed, on the authority of those much better versed in the law than himself, that the proceeding was altogether illegal. It was his firm belief, that his Majesty's Ministers, at the present moment, required an Act of Indemnity for the extraordinary course they had adopted. They had suspended the operation of an Act of Parliament by which a very great boon would have been extended to the shipping interest. By the course they had pursued, the whole kernel had been extracted, and the husk was left as the extent of what they would grant. He (Mr. Young) did not thank them for what they allowed under the Act of Parliament—namely, that salt, pepper, and mustard might be obtained. He would ask hon. Gentlemen from Ireland, whether they thought that they could hope to continue to supply ships with provisions if this Act came into operation, when owners at present had to pay fifty per cent more than they would have to pay in the foreign markets. The shipowners were fully alive to the boon held out by this Bill, but it was snatched from them by the intervention of a more powerful interest. For years past, notwithstanding their repeated representations, the House had turned a deaf ear to their complaints; they had been decrying for years the policy which had injured them, and they would not purchase indemnity for themselves by consenting to have wrongs inflicted on others. They deprecated the line of policy which had been acted upon with regard to themselves, and would not consent, that similar injuries should be inflicted on any other class. He trusted, that he had made out such a case as to justify his demanding the support of the House. He felt, that he had trespassed at very great length on their attention, and regretted, that the subject had not been taken up by one who would have argued its merits more fully than he had done. He was rejoiced, however, that he should be followed by Gentlemen who took the same view of the question as himself, who would be able to supply his deficiencies. There was another point to which he wished shortly to refer. Mr. Huskisson, in the celebrated speech which he (Mr. Young) had already quoted, in allusion to the effect of the system that had been adopted in America, said, that perfect reciprocity was necessary to the arrangement which he desired. He recommended a course which a wise man as well as a wise nation would always take, namely, the abrogating those restrictions which were useless. This was the foundation of the system of reciprocity with America. Mr. Huskisson, after pointing out the importance to the commercial countries that their respective ships should, instead of returning in ballast, be at liberty to take freights, observed such was the arrangement with America; and then, singularly enough, he went on to say, that Prussia acted on the same principle as America had formerly done, namely, by imposing a duty on tonnage. This was a complete *non sequitur*, for America had never imposed any duty on British shipping. The only restriction was, that the return voyage must always be in ballast, and that principle was acted upon in this country. Prussia, however, had nothing to export to this country, and therefore to have insisted on all British vessels returning in ballast would not have countervailed as it did in America. Retaliation on the part of Prussia could in no wise injure the navigation of this country, nor could retaliation on the part of this country affect the interests of Prussia. The whole advantage went to the carrying trade, and that trade was now almost entirely monopolized by foreign nations owing to the restrictions which had been placed upon the shipping of this country. This he asserted was neither reciprocity nor justice. That the Government of this country had a right to make Reciprocity Treaties with other nations, Mr. Huskisson had distinctly proved, and Treaties of the kind had been entered into with both Portugal and America. In the Reciprocity Treaty with Portugal—that of 1810—as Mr. Hyde Villiers observed, it was stipulated that the monopoly of the Oporto Wine Company should be abolished, and that as an equivalent for this advantage, the English Navigation-laws were to be repealed, so far as Portugal was concerned. A Treaty like this, undoubtedly carried the principles of reciprocity into full effect, for here was the *quid pro quo*. Portugal gave up certain domestic advantages, and England reciprocated by relaxing her Navigation-laws. Here, then, were Treaties of Reciprocity with two nations; and if they had treated with America and Portugal, why might they not be able to treat with every other country in the world in the same way? He should be asked, no doubt, where was the necessity for repealing this Act; but before he answered such a question, he should like to know what the benefits were that had accrued from it? He knew of none; and, believing that it had been productive of injury rather than advantage to the shipping interests of this country, he desired its repeal. According to the principles of the Constitution, the Crown had not the power of levying taxes; but this Act, in effect, conferred upon it such a power. The sum of 268,000*l*. had been levied under it since 1825; and he therefore asked, whether it would not be better to repeal the Act, and leave such matters under the control of the Government, than to continue it, as in that case the Government could enter into Treaties when and with whom it pleased? This was the only proper way of regulating matters of commerce; and it was his opinion that, so long as they did not infringe upon the obligations of religion, morality, and social order, they were bound to protect their own interests in preference to all others. The result of such a system, he was persuaded, would be not only for the advantage of all, but best for individual States. He denied that this Act had in any way answered the intentions of the framers of it; and although it was his desire to do everything that was likely to conduce to a proper system of reciprocity, to freedom of intercourse among nations, he still must insist, that an end should be put to the present system. He, therefore, called upon the House to pass sentence upon this absurd, this foolish, and, he might add, this iniquitous Act, by agreeing to the Motion with which he should conclude, and which was, for leave to bring in a Bill to Repeal the Act of the 44th George 4th, c. 77, commonly called the Reciprocity of Duties Act.

Mr. *Poulett Thomson* said, he was sure, that neither the hon. Mover, nor any other hon. Gentleman who had witnessed the attention with which the hon. Member was heard throughout his speech, would be disposed to say, that the important subject on which he spoke at such length had been treated with disrespect by that House. However much the hon. Gentleman might differ from him, and from those who sat on his side of the House with respect to this Act—the hon. Gentleman must admit, that the claims of the great and important interest of which he had spoken—an interest which was, at the same time, the foundation of our naval defence and the basis of the welfare and prosperity of our national commerce, had never been treated otherwise than with anxious and deep attention. He could assure the hon. Gentleman, that, however he, and those who viewed the subject as he did, might differ from him, both he and they took just as deep an interest, and were just as anxious, concerning the shipping interests of the country, and as desirous to benefit that interest in every possible way consistently with the national welfare, as either the hon. Gentleman or those who acted with him could be. The only complaint he had to make against the hon. Gentleman was, that, in giving notice of his Motion, he had so closely defined his object, that no one could suppose it would enable him to enter into the—certainly very able—but very general, statement which the hon. Member had laid before the House, involving numerous questions which had little or no relation to the actual subject under consideration. He could not say, indeed, that the hon. Gentleman, in taking so excursive a course, had proved that he was well acquainted with the operations of this Act, and the hon. Gentleman had probably wandered into extraneous matter to conceal his want of accurate knowledge. Not anticipating so extensive a line of argument, he was not prepared to follow the hon. Gentleman through all the various topics on which he had touched; but, although it was not in his power on this occasion to compete with the hon. Gentleman in documentary evidence, he still hoped for the indulgence of the House, and to be able to point out the fallacy of his arguments. "Well," said the hon. Gentleman, "all I ask is, the Repeal of this Act." But if it were repealed to-morrow, what would be gained by it, except that the Crown would be deprived of the power it now possessed of imposing restrictions by means of Orders in Council? The Crown would not be deprived of the power of relieving foreign shipping from those imposts to which they were liable; for, whether this Act existed or not, treaties might be made by his Majesty without the Parliament being at all consulted respecting them, and any differential duties taken off by Order in Council, without any reference to the Legislature. Formerly the Customs' duties book had been loaded with distinctive and differential duties. Those duties were, of course, higher on articles imported in foreign bottoms than in British ships, and they continued so down to 1825, when Mr. Huskisson brought in his Bill to consolidate the Customs' duties, and swept away the whole of those differential duties, in order to place foreign and English ships, under given circumstances, on an equal footing. This Act had a double operation; on the one hand, it enabled the Crown, by means of Orders in Council, to remove the duties and dues payable by foreign ships on information being received, that British vessels were admitted into the ports of a foreign country on the same footing as ships bearing the national flag; while, on the other, it empowered the Crown to impose duties and dues in all cases in which that equality did not exist. Of this latter power, (the former having been rendered useless, by the subsequent removal of all distinctive duties,) the hon. Gentleman would fain deprive the Crown; but, while it was exercised in a salutary way, while it was used as a means of compelling foreign nations to act upon the principle of equality towards this country—and he was prepared to show, that it had been wisely exercised—it ought not to be taken out of the hands in which it had been placed. It was not under this, but under another Act, that power was given to the Crown to conclude treaties with other nations for the removal of any high rate of charge that might exist upon foreign goods or foreign ships; and, therefore, as the Crown possessed such a power independently of this Act, and without the intervention of Parliament, he could not see the advantage of repealing it. It would not indeed be possible for the Crown to impose additional duties without this Act, and, therefore, the hon. Member would merely deprive the Crown of the power which itpossessed, and had exercised, to protect British shipping against the competitions of those nations which would not admit us to a reciprocity of advantages. His noble friend might, to-morrow, though this Act was repealed, enter into a Treaty of Navigation or Commerce with a foreign country with which no Treaty had previously existed, for either the increase or diminution of duties and dues; and it was only in the event of no such treaty being made, that it could be of any use to enable the Crown to reduce differential duties—a circumstance of but rare occurrence; whilst, on the other hand, were the Act repealed, no other gave the Crown the power of imposing duties, and that privilege would be entirely lost. How stood the case with regard to present circumstances? Treaties of reciprocity now existed between this country and twelve other States, and the Repeal of the Act would make little or no difference in our relations with those States. There were only two of the smaller States with which there were no Reciprocity Treaties. These were Oldenburgh and Mecklenburgh; and our commercial intercourse with these States was, under the operation of Orders in Council, conformable to the provisions of this Act; so that, if this Motion were carried, its operation would only affect those two States. He had heard with astonishment the declaration of the hon. Gentleman, that this Act had never been acted upon with any advantage to this country. To disprove such an assertion, he would take the case of France. In 1823, this country had no Treaty of Navigation with France, and the Government of this country proposed, with a view to such an arrangement, to reduce the duties payable by French ships in English ports. France, however, did not take advantage of this offer; but, on the contrary, imposed a higher rate of duty on British ships in French ports than French ships paid. Well, what did this Government do? Why, in 1824, making use of the powers given them by this Act, they issued an Order in Council imposing a distinctive duty on French ships; and the result was, that, in three years afterwards, a Treaty of Convention was concluded with France, by which it was arranged that British ships should be placed on the same footing as the ships of France; and yet the hon. Member said, that this was not reciprocity, because dues were still levied by France. He knew that some tonnage dues were levied in French ports, but the principle on which they were levied should be taken into account, which was this:—In France our ships paid no local duties, which French ships paid in our ports; and our ships were subject, in French ports, to a small tonnage duty to balance our local dues. It had been proved, that the charge was too high, and he had remonstrated against it. The French Government had already reduced the dues from 3f. 50c. to 1f. 50c.; and the last mail, he was happy to say, which had arrived from Paris, brought with it an Ordonnance of the French Government, by which a further reduction to one franc was made, being, as he believed, the fairest possible rate of duty that could be imposed. The hon. Gentleman must perceive, therefore, that by repealing this Act, he would only be defeating his own object; inasmuch as it placed in the hands of Government a means of coercing other countries into a salutary system of intercourse, as was the case with respect to France.—[Mr. *G. F. Young:* France is not in reciprocity with us.]—France did, he asserted, act reciprocally with this country since 1826, so far as dues were concerned. British ships, entering the ports of France from the United Kingdom, paid no more than French vessels; and if the hon. Gentleman could furnish him with a note of any greater charge having been made, twenty-four hours should not pass over until the matter was put in a train for investigation. British vessels, he admitted, coming to France from other countries, laboured under a disadvantage in consequence of Mr. Huskisson being unable to induce the shipowners to consent to an extension of the Treaty, and for that disadvantage, therefore, they had themselves to blame. But was France the only instance in which this Act had produced a salutary effect? A paper, said to have emanated from the hon. Gentleman himself, or from his friends, called upon the Government to use the provisions of the Act to coerce Spain into a more liberal commercial intercourse with this country. The state of the public mind in Spain, however, rendered any attempt of the kind useless at that moment; but he hoped that the period was close at hand when the desires of the hon. Gentleman would be accomplished—when an arrangement could be entered into with Spain much to our advantage, by means of this very Act, which the hon. Gentleman called upon the House to abolish. But let the hon. Gentleman take away from the Government the power of coercing states to meet us on a fair field, and Spain, as a country consuming our productions, would be almost lost to us. Looking, therefore, to the hon. Member's motion only, he should be somewhat at a loss to discover his real aim, but it was evident that his object was, to attack the reciprocity system altogether. Now, he knew the feeling which influenced that hon. Gentleman on this subject; but the principle on which the Reciprocity Duties Act was grounded, appeared to him (Mr. Poulett Thomson) so clear, that he was surprised to perceive by the cheers which followed certain portions of the hon. Member's speech, that he did not stand alone in his opposition. The hon. Member had declared himself an opponent to any thing like the present system; he summed up his speech very eloquently by saying, "Give us protection. Throw its shield over every interest. Guard the particular industry of every individual from any interference by foreign competition, and then one state of happiness and comfort will unavoidably follow." The hon. Member might feel these sentiments in reference to every matter of trade; but how he could do so in regard to the shipping interest was to him perfectly unintelligible. We might, if we chose have a protection to exclude any isolated branch of foreign production—wine, cotton, oil, and all the various articles which our habits or necessities demanded. We might return to hips, and haws, and acorns, or build a wall of brass around our country — we might exclude all the means of enjoyment, all the accessories of luxury,—this might we do—we might maintain the colonial and the coasting trade. Here it was in our power to have a monopoly; but a foreign trade must be carried on with a foreign country; our ships must enter foreign ports; and if we imposed differential dues on their shipping, they had it in their power to retaliate. He could understand how individuals' minds might be in a state to induce them to advocate protection or prohibition at home; but to attempt to legislate in regard to places where we had no power, appeared to him an impossibility, not to say an absurdity. The hon. Gentleman had adverted to the United States of America, and on that ground he was quite willing to rest his own argument. Now, what was the case of the United States of America? Did we not try the opposite system with them? With the United States, the reciprocity system was not carried into effect for a series of years, till both countries were convinced, that the course they pursued had produced not only incalculable evil, but great pecuniary loss to both. The shipping interests of both countries were seriously injured, and bad feelings, animosities, and jealousies, which never ought to have existed, were generated in the minds of each party towards the other. What was then done? Why, in 1815, they were both compelled to admit, that they had been in the wrong in waging a commercial warfare, and that the best thing they could do was, to establish a system of reciprocity between the two nations. So much, then, for the argument respecting the United States, and the same observations would apply to all other countries. It was not until 1824 that the system of reciprocity began generally to extend itself. During the war, undoubtedly, the vessels of this country obtained a monopoly, and, owing to the power of her fleet, and the acknowledged superiority of her merchantmen, became carriers for the whole world; but so soon as the war had ceased, this monopoly was destroyed. Other nations naturally entered into a competition with us, and, without provoking at all events an attempt at retaliation, we could not keep up distinctive and differential duties. The advantage of the reciprocity system was, however, greatly in favour of this country, possessing, as it did, large capital, extensive business, and a priority of custom over every other State. The reputation of our sailors, and the character of our ships, were in themselves a strong inducement to give British vessels a preference over all others. But, in proof, that the advantage was in favour of this country, he would state the case of Prussia, and show that, so far from our shipping having suffered from the competition in that quarter, it had at least retained the place which it had always held. But he would take the case the hon. Gentleman would wish to see arrive. Suppose the Reciprocity Duties were at an end; suppose we laid ten per cent on the ships and goods of foreign countries more than we made our own pay. Well, they would naturally immediately levy the same on our ships and goods. This would make an equality of duties; but, as long as there was equality, we could gain no advantage from the discriminating duties the hon. Gentleman would have us thus impose. We might then go on to twenty per cent; they would follow our example; until, pushing the principle to its extreme length, we arrived at the case supposed by Mr. Huskisson as the climax of absurdity — namely, that our ships would go abroad empty to bring back the goods of the country to which they went; and, that the ships of that country would come to us simply to fetch the goods required of us. He had been putting the case as the case of the shipowner only; but what would become of the consumer?—and when he talked of consumers, he did not mean it in a restricted sense; but what would become of the great industries of the country? Suppose it was proposed to levy a heavy tax on cotton imported in American, instead of British bottoms, if they retaliated, as they certainly would, what was to become of the hundreds of thousands, nay, the millions of persons, who depended upon the manufacture of cotton, not for the consumption of this country only, but for the supply of almost all the markets of the world? If the principle were acted upon at all, it must be carried out, and such would be its consequences. If there were a country in the world to which such a course would be dangerous and peculiarly unsuited, it was this; where so large a proportion of the people depended upon foreign trade, and exposed, as they now were, to a competition with other nations, in which they were close run. He contended, that, while to the shipowners themselves the Motion would be detrimental, to the general interests of the country it would be injurious to a deadly extent. The hon. Gentleman referred, with great applause, to the wisdom of our ancestors upon this point. He had certainly spoken with great courtesy of him (Mr. Poulett Thomson); and all that he had brought against him was a charge unfounded in fact—namely, that he had improperly on a former occasion, called to his aid the authority of Sir Josiah Child. As the hon. Gentleman admired ancient legislation, he would refer him to that very reign to which he had referred with so much pleasure, in which he stated the acts were wise, because the Sovereign was wise. He would refer him to an act passed at the beginning of the reign of Queen Elizabeth. Would to God that her policy had never after been altered! The coasting trade having been secured, and so justly secured to the shipping of this country, an attempt had been made to carry into effect that protective system with regard to foreign trade proposed by the hon. Gentleman. The Acts, however, which attempted it were repealed in 1558, the first year of the reign of Elizabeth; and the reasons were recited to be, 'that, 'since the passing of those statutes (that 'is, the statutes which proceeded on the 'principle of the hon. Gentleman, and 'prevented foreigners from bringing their 'goods here in their own ships, except at 'higher duties than when brought in ours), 'other Sovereign Princes finding themselves aggrieved by the said Acts, and 'thinking the same were made to the prejudice of their country and navy, had 'made the like Penal-laws against the 'ships of this country—whereof (continued 'the preamble) there has not only grown 'great displeasure between foreign princes 'and the Kings of this realm, but also the 'merchants have been sore aggrieved and 'damaged.' The hon. Gentleman went to the reign of Elizabeth in favour of his cause, but the single sentence he had read from an Act of that reign must answer all the hon. Gentleman's arguments better than anything he could say, for it was clear, that the consequences then described would follow his system now, as it did then, only with more terrible effect, inasmuch as we had more at stake now than we had then, and interests of far greater amount would be involved in ruin. But the hon. Member, in referring particularly to Prussia, had said, that these countries were too poor, and could not afford to tax our ships, for that they must sell their goods, and could not retaliate upon us. He had shown, that they would retaliate, and that they did retaliate. But it was urged, that the retaliation would not be to the same extent; but what a principle was that for a nation to act upon! What an argument to urge that, although there were some countries strong enough to compel us to act upon a system of just equality, as the United States, for instance, there were other countries placed in such circumstances, that we were not compelled so to act towards them. All he could say was, that any laws based upon so ungenerous a principle could not but fail. But it was a mistake to suppose, that the Treaty was so favourable to Prussia, as the hon. Member seemed to suppose. If the hon. Member went into that country, he would hear the Prussian merchants complain of it just as much or more than the shipowners here, and, he must take leave to say, with a great deal more reason; for what was the Prussian system? The Prussian government said, "We levy dues upon British ships, in order to compensate ourselves for the duties and dues levied upon Prussian ships in England." They did so; and what became of the amount thus raised? We put it into the pocket of the State, and thus a portion might be returned to the consumers; but the Prussian government gave it to the shipowners, saying, "As you are subject to these unequal dues in England, we make you a present of all we have got by the duties levied on the British." The Prussian shipowners had a ground of complaint then beyond that of the hon. Gentleman, and the same discontents were heard from the Prussian shipowners of Dantzic, Memel, and Konigsberg, as in some of the ports of England. The hon. Gentleman was aware that the Treaty with Prussia might now be put an end to, at a year's notice from either party; and he could assure him that there was not that ardent desire—that intense wish—on the part of the Prussians to continue it, which ought to be engendered if the opinions of the hon. Member were correct, that the interests of the shipowners of this country had been so completely sacrificed to those of the Prussian shipowners. He should not follow the hon. Gentleman through all that part of his speech which referred more to commercial subjects than to the specific matter of the Motion; but he could not pass over what had fallen from him with regard to France. The hon. Member had quoted a Report laid upon the Table of the House upon that subject; and, in doing so, it would have been better if he had attended a little more to the dates of the document. The quotations cited by the hon. Member were from the evidence of a French commission which sat long previously to the making the Report, and that even was eighteen months ago. Now, the hon. Member must have observed very little of what was passing in France, if he had not perceived the rapid change in public opinion upon such matters which had taken place since that time. The proof of this was in the Ordonnance which he held in his hand, and which he had already mentioned as having received by the mail that day. By that Ordonnance, the Government having lately been authorized by the Chambers, took off prohibitions on a variety of articles which it could not before take off by law. That Ordonnance was a relief to British commerce; and though it did not touch the articles of iron or coal, he would state the reason why. The Commission had recommended, that the import duties on iron should be reduced from twenty-five to nineteen francs; but public opinion appeared so decided, and the hopes of all the friends of free-trade were so great, and the opinion of Government itself was so strong, that as, coupled with this concession, there was a declaration that no further change should be made until 1840, it was deemed advisable by all parties not to press that reduction now, but to leave it to another Chamber, because it was not doubted, that greater concessions would be made by it. With respect to what the hon. Gentleman had said, on the subject of public opinion in France, he (Mr. Poulett Thomson) did not mean to deny that there were vast numbers who contended for the exclusive system; but as he was intimately acquainted with that country, and had followed the course of opinion there for some years, he must say, that the change in opinion had been such, that, advocate as he was for the principle of freedom, it greatly exceeded any expectation he could have formed a few years back. The hon. Gentleman had, however, referred to one particular point connected with the policy of France, upon which he felt himself bound to make an observation. The hon. Member had said truly, that we still paid higher duties upon British iron and coal than Belgium. But this was not because the articles were British.

The French had long had two different sets of duties, one for articles imported by sea, and the other for those coming in by land; and when the difference was complained of, the answer of the French Government was, that we had the advantage upon other articles which were charged less by sea than by land. But he had contended, and he still contended, that this difference ought not to exist, and the attention of the Government had been for some time directed to this subject, and Ministers were not without hope that they should ultimately succeed, unless, indeed, the hon. Member were allowed to step in, and by repealing this Bill, prevent all their expectations from being realised. If, however, this should not be the case,—if the power were not taken out of the hands of the Government,—he for one should be ready to advise the exercise of the powers possessed, to impose additional duties on French goods which had been relaxed. But it was his confident hope, that the duties on such articles of British produce would be equalised. With respect to the duties levied at Stade, he believed we should be compelled to pay them. He admitted, that they were onerous, but, till the King of Hanover thought proper to alter these duties, we should be obliged to pay them. He hoped, however, that some compromise might be come to. The hon. Gentleman had referred a good deal to the evidence taken before the Committee on Shipping, Manufactures, and Commerce. He (Mr. Poulett Thomson) was the last man to deny the existence of considerable distress in the shipping interest; but if it were not invidious to do so, he thought he could assign other causes for it than the passing of this Act. But he would be satisfied with endeavouring to prove that the cause assigned by the hon. Gentleman was not really the cause of their distress. The hon. Member stated, that the evidence of all the Gentlemen called before the Committee went to prove the general and great depreciation of shipping, which he seemed to think would end in total ruin. He (Mr. Poulett Thomson) could not go that length. There were cases of considerable distress brought forward; but it must have been in the recollection of the hon. Gentleman himself, that one of the witnesses—he thought Mr. Aiken — gave a sufficient answer to those statements of individual distress, and the loss accruing from particular ships. He was asked, whether it would not be easy to put in an account, showing a flattering result, or the reverse, just as he was called upon? "Precisely," he replied, "I have only to turn to my ledger to prove either case." He (Mr. Poulett Thomson) did not deny the existence of general distress, but he referred to this piece of evidence to caution Members against considering the general case proved by particular instances. There was the evidence of Mr. Hedley to show, that the shipping with which he was connected, was not in a depreciated state. There was evidence of large capital being continually invested in shipping, and that almost everywhere the building of ships had increased. It could not but be supposed, that those who had furnished the capital, had found their advantage in it. With regard to the falling-off of British shipping, as compared with foreign, in our trade, since the adoption of these reciprocity treaties, in order that Gentlemen might not go away with wrong impressions as to the ruined state of our shipping on their minds, he would refer to two of the documents on the Table to show what the real state of the case was. He would take the foreign and colonial trade, showing the tonnage which had entered in and cleared out in each year, from 1819 to 1832, dividing the time into periods of seven years each. The tonnage of vessels entered inwards and cleared outwards in the seven years ending in 1825, was—

	Tons.
British	12,381,000
Foreign	4,055,000

In the seven years ending in 1832, the amount was—

British	15,049,000
Foreign	5,064,000

giving exactly the same proportion of foreign to British, namely, one-third, in the two periods. It was thus clear, that we had not gone back. What right had we to expect to do more than keep our ground? It was absurd to suppose that, after the war was at an end, and the commerce of other countries came to be set free, that we should keep all the commerce of the world. He would say, that we had maintained our ground. The aggregate shipping engaged in the trade of the country had increased, and our share of the aggregate had not been diminished. Although, therefore, the profits of the shipowners might, like those of all other capitalists, be low and precarious, he had shown, that our shipping interest was not in so lamentable a condition as the hon. Gentleman would make out, but had remained in as favourable a state as could possibly be hoped. The only other return with which he should trouble the House, in reply to the hon. Gentleman, was that which referred to his assertion, that the British shipowners could no longer compete with those of foreign states in the carrying trade. He maintained, that they could; and he founded his assertion on the return which showed the number of neutral voyages performed by them,—that was, voyages between one foreign country and another,—in which British ships did engage with success. He alluded to the return of the number of British ships and their tonnage passing to and from the Baltic through the Sound in the year 1832, as made up by the consulate at Elsineur. There were 175 British ships of 28,000 tons passed up the Baltic from foreign ports to foreign ports; and seventy-three ships came down, with a tonnage of 11,000; thus making a total of 40,000 tons of British ships employed in a trade where those of other countries would have been engaged, if they could have been obtained at a cheaper rate. The hon. Member, in speaking of what he called the injustice done to the shipowner, had stated, that the shipowners were the only interest in the State not protected; and asked why they were not enabled to sail as cheaply as the foreigner? In answer to this, he would ask the hon. Member, had the British shipowner no protection? Was the exclusive monopoly of the colonial trade nothing? Was the exclusive monopoly of the coasting trade nothing? But with respect to the foreign trade, of which it was impossible to give him a monopoly, how did the matter stand? The hon. Gentleman quoted the duty at 100 per cent, while it was only fourteen; and he quoted the duties on other necessaries of life; but he (Mr. Poulett Thomson) would be most happy in assisting him to take these off. He, however, would not have them taken off; he said he wanted protection, and he would join the protectionists. Besides the above advantages, had the shipping interest derived no relief from the reductions which had been effected on many articles which came within their expenditure, and especially by taking the duty off hemp? But there was a great difficulty in meeting the wishes of the hon. Member and those he represented, who exclaimed—" Take off the restrictions; we only want to be free!" Now, in 1832, a great relief or boon was offered them, giving them what they said they wanted to obtain,—cheap provisions,—which, however, they had declined, because it was not all they asked, and because, if they, as they said, were to be caught in that trap, it would neutralise those complaints, of which they had heard so much this evening. A strong reclamation had been made from Ireland; but it was probable that would not have prevailed, as prevail it did, but for the indifference and coldness with which those intended to be relieved received the intimation of the intention of Government. Again, the hon. Member had argued " Give me the privilege of building and manning my ships where I like, or let me buy them ready built and equipped for me." Well, so the hon. Member might at this moment; but if he did so, he must be content to forego the advantages resulting from trading in ships British built. He could not participate in the colonial or coast trade, which by law was confined to British-built shipping. It was too much, that the hon. Member should expect to secure to himself all the advantages which foreigners possessed, and, at the same time, secure to himself all the monopoly of the colonial and coasting trade. Again, if our shipowners did not enjoy the same advantages as were possessed by foreigners with regard to one of the most material charges in ship-building, he begged to ask, whose fault that was? Whose fault was it that, instead of fetching good and cheap timber from Memel, they fetched the worse and dearer article from the Canadas? Was this the fault of the Government or of the shipping interest, who had themselves opposed the relief offered to them? When it was a fact, that this system of duties was advocated and maintained by the strength of the shipping interests in that House in 1831, with what justice could those very parties now come forward to complain of the burthen they imposed? Take away the duty on timber, and he was not aware of any very heavy duty which particularly pressed upon the ship-building interests of this country. If the hon. member for Tynemouth knew of any such duty, let him point it out, and he would be most happy to afford all the relief that was in his power. The fact was, that the present system of Timber-duties was a source of great loss to the country; and if the hon. member for Tynemouth would couple a recommendation for their reduction with the other alterations he had proposed, he had no doubt his noble friend, the Chancellor of the Exchequer, would be willing to listen to his suggestions. He would not detain the House at greater length upon this question; but, before he sat down, he would most earnestly entreat them to reflect maturely upon the very important principles which were involved in the speech they had just heard from the hon. member for Tynemouth. The principle to be decided—and this was involved and avowed in that hon. Member's speech—was,—whether the commercial system, which was forced upon us in 1815, and voluntarily adopted in 1824—a system which offered to treat other nations in the same manner as that in which they treated us,—should be still pursued, or whether they should adopt a different one, and, by so doing, overturn the whole system of commercial policy upon which, for some years past, we had been acting, and re-enter upon that course of commercial warfare and hostile retaliation which had been carried on too long under the vain denomination of "protection." In conclusion, he would make but a very few observations in reply to what the hon. member for Tynemouth had said relative to himself. The hon. Gentleman had stated, that he (Mr. Poulett Thomson) had been removed from another sphere, and placed in his present situation, where, by his advocacy of certain principles, he had obtained the means of amassing wealth. The hon. Gentleman knew that such was not the case; he knew, that to serve the public was not the road to riches. If he felt proud of the situation which he had the honour to fill, it was only because it gave him the opportunity, in conjunction with those friends with whom he had been associated, of acting on the principles he had always advocated in Parliament, and afforded him the means of carrying, humbly but zealously, into effect, measures adapted to the present state of things, on which he rested his hopes of promoting the commercial interests of England. This was the only consideration which attached him to the situation which he held; and deeply should he regret if the decision of the House should tell him, that his occupation was gone, and that he could no longer hope to see those principles, which he had ever advocated, adopted and carried in the House of Commons. Bitterly should he regret it as regarded the House of Commons itself, and his estimate of it; but far more deeply should he regret it (and upon this point the hon. Gentleman would give him credit for as much sincerity as himself) as regarded the best interests and welfare of this commercial country.

Mr. Alderman *Thompson* supported the Motion. He considered, that the Reciprocity Act had been most injurious to our commercial interests; since it passed, our trading position had been altogether changed. In the carrying trade, the advantage we had formerly enjoyed over Prussia had been transferred to that country. Most of the ships we had formerly employed in the Baltic had been thrown out of that trade, and being put on the coasting and colonial trade, these two latter branches had become overstocked. He thought there was much to complain of in the conduct of Prussia; not only had that country raised the duties on British manufactures herself, but she had induced other German Powers to imitate her example; and, influenced by Prussia, Hanover and Brunswick, as he had just heard, were about to adopt the same course. As to the United States, that Power was well aware that it was to her interest to keep up their cotton trade with us under any circumstances being as well aware as we were that from the increasing growth of cotton in South America, India, and Egypt, we should at no distant period be quite independent of the United States for our supply of cotton. It was absolutely necessary that some protection should be afforded to the shipping interest. He had lately presented a petition, signed by several hundreds of seamen at Sunderland, stating that from the bad state of the shipping trade they were in the utmost distress; had been obliged, sometimes without success, to apply to the parish for food, and that many of them, after fighting the battles of their country, were obliged to cleanse the streets. Another letter he had had from a shipowner, stated that the writer, finding it cheaper, under existing circumstances, to employ Prussian shipping than to employ his own ships, had laid up the latter. He (Mr. Alderman Thompson) heartily concurred in the Motion, and was sure that if it were rejected, the disappointment and vexation would be very sorely felt by the whole shipping interest.

Mr. *Hutt* thought, that the hon. Member had entirely failed to show that the evils he complained of had been produced by the reciprocity system. The hon. Member had represented the whole trade of British shipowners as having fallen away: that while foreigners were rolling in wealth, the shipping interest of Britain was in a state of the most dreadful poverty and was declining into absolute decay. Much of this statement appeared to him to belong to that species of hyperbole and extravagance which people suffering distress but too often indulged in. No doubt, the shipowners' property had suffered depreciation, but so had the property of mill-owners, of manufacturers, and of every person who had fixed capital. The hon. member for Tynemouth had asserted that the tonnage of foreign shipping had increased, whilst that of British shipping had decreased. He had an official document in his hand, which completely disproved that statement. From that it appeared, that since the reciprocity treaties had been entered into, the quantity of British tonnage had increased in a considerable ratio over the foreign tonnage. But they had what was, perhaps, more convincing than even figures, and that was the conduct of the shipowners themselves, to prove that navigation was not a peculiarly losing trade. It was impossible to suppose, that the shipowners would go on investing fresh capital in their business, unless they found it profitable so to do. A part of the evidence given by Mr. Ewart, of Liverpool, was particularly illustrative of this view of the question. That Gentleman stated, in answer to a question as to whether the shipping trade had been profitable during the last seven years, that if the shipowner calculated in each year what his ship originally cost him, it would appear that he was losing each year; but if he merely calculated what ships might be bought for now in each year, the profits of the year would appear to be sufficient. On being asked whether he would invest capital in navigation, he said, that he would not, because he did not understand the business, but that he saw many very clever and rich men did continue to invest capital in it, and, therefore, he inferred that it was profitable. Another witness, a shipowner, on being asked if he thought men would continue to navigate ships at a loss, said, he had sent out a losing ship a second time, but he would sooner burn her than send her out a third time without a tolerable certainty of getting a freight. This he (Mr. Hutt) was convinced was the feeling of all commercial men in the conduct of this business. With respect to the question of reciprocity, reciprocity of some kind was unavoidable. The only question was, what kind of reciprocity you would have. There was the choice of high reciprocity duties, or of low reciprocity duties. You might have low reciprocity duties as with the United States of America, or you might have high reciprocity duties as with Holland, in which each party ran a race in doing one another the most mischief they could. He was persuaded that the suffering the shipowners were really undergoing, was too great to make it possible to convince them of their error by any arguments that could be advanced. The only mode by which they could be convinced would be by letting them have their own way; and then the utter ruin which would soon overtake them, would too late convince them that it was not by getting our ships loaded with duties by foreigners that our prosperity was to be promoted.

Dr. *Lushington* said, that if he thought the proposition of the hon. member for Tynemouth could produce the slightest beneficial consequence to the shipping interest, he should feel it his duty, representing the constituency he did, to give it his sincere support. He was, however, firmly convinced, that the reciprocity treaties had not produced the distress of which the shipowners complained, and that the repeal of the Act authorising them would not afford the slightest alleviation to the distress complained of. He could not consent to the adoption of a measure which he conscientiously believed would endanger the great commercial interests of the country, without offering any prospect of diminishing the difficulties or of restoring the prosperity of navigation. England could make fiscal regulations for the government of her home commerce, and that she had done to the fullest extent the shipowners could desire, but she could not make regulations for the government of the trade in which they were exposed to the rivalry of the world; for it was clear that whatever steps we took for the imposition of discriminating duties, could be also taken by every foreign nation with which we had dealings. Upon what were we to rely in such a contest with foreign and rival states? Upon our wealth, our power, our prosperity, upon our resources of all kinds. He acknowledged the wonderful magnitude of them; but it was their very vastness which would make us of all nations in the world suffer most from any temporary interruption to the regular course of trade. Nothing could be more disastrous to the manufactures, the trade, the shipping of this country, than the course pointed out by the hon. member for Tynemouth. Gentlemen had talked to-night as if trade was not the parent of navigation, and had assumed that it was only necessary to have ships in order to secure full cargoes for them. The doctrine which he conceived to be the true one was, that it was the want different countries had for the surplus productions of other countries that created the demand for shipping. Had the hon. Mover pointed out one atom of benefit to be derived from the repeal of the Reciprocity Act? He had not attempted to do so, nor could the hon. Member be mad enough to think of going back to the old system of restriction and prohibition. All the hon. Member could really want, then, was to have every treaty of reciprocity brought before this House for discussion, instead of being left, as it constitutionally ought to be, to the wisdom of the Crown and of its advisers. But they had had some experience of the evils of running a race of prohibition. He remembered that they attempted, by Orders in Council, to retaliate for the Milan Decrees, and actually swept the seas of the neutral marine, and filled its place with British shipping. The consequence was that we now suffered, not merely from the transition from war to peace, but from the acts he would not characterise, but by which we outraged the rights of other nations. He should not be an Englishman, he should not be worthy to represent the place he did, if he did not deeply feel for the distress of the shipping interest, and he was prepared to vote for any measure which would be of practical benefit and advantage to it. He was prepared to do that which the hon. member for Tynemouth was not prepared to do—he was prepared to abolish those monopolies under which, in common with every other interest in the country, the shipowners so bitterly suffered. He was prepared to give them cheap pork and cheap beef, notwithstanding the outcries of all Ireland. He was prepared, too, to allow them to bake biscuits from foreign flour, notwithstanding the outcries of the agriculturists. But he was not prepared to flatter the agricultural interest, and attempt to obtain from the House of Commons by assistance which the hon. member for Tynemouth ought to be ashamed to have sought, a concession, which so far from conceiving to be a benefit, he was satisfied would be deeply injurious to the shipowners themselves.

Mr. *Aaron Chapman* thought, that the hourly increasing strength of the United States as a maritime power required the deepest consideration. He had himself heard the first partner in the first commercial house in England declare, that the United States were twenty years in advance of this country in the art of shipbuilding. The distress and difficulties with which British shipowners had at the present moment to contend was admitted by the right hon. Gentleman; but no specific plan of relief was proposed by him. Surely that was not what the country had a right to expect from the executive Government, responsible as that Government was, to the nation at large for the faithful and effective administration of its affairs. Nothing, in his opinion, could be more evident than the decline of British shipping and the advance of that of the United States. No one in the habit of reading the messages addressed to Congress by the American President, but must remember the frequency of his allusions to the extent of their commercial marine. His Majesty, who took a warm interest in all that related to the naval strength of England, would, if he could, have been most prompt to advert to such an object of national security and triumph as the prosperity of the shipping; but never was there to be found in any of the speeches from the Throne the remotest allusion to anything of the sort. In whatever point of view he looked at the Motion brought forward by the hon. member for Tynemouth, he could but regard it as well-timed and judicious: it should therefore, have his cordial support.

Mr. *Ingham* supported the Motion, and contended that what were called the reciprocity treaties were in fact treaties for putting down the navigation of that country which was once unrivalled in its maritime strength.

Lord *Sandon* supported the Motion, and contended that in our discussions with Foreign Powers, respecting commercial interests, the question was one merely of policy, of bargain and sale. Other countries had no right to receive from us commercial advantages, unless they agreed to yield to us commercial advantages in return. He was inclined, therefore, to bring the matter back to the state in which it was before the Reciprocity of Duties Act was passed; and hereafter to proclaim to the world, that commercial arrangements with other Powers should be made the subject of special negotiation. Much, in the course of the present discussion, had been said of the advantage to the shipping interest which must arise from carrying into practice those principles of free trade and reciprocity which had been so much esteemed and advocated within the last few years. He thought there was but little value in setting what was called a good example; so far from following that practice, their aim should be to secure commercial advantages without committing themselves or making any concession antecedent to an equivalent benefit: for the ministers of foreign States ought to be armed with that ground for proposing charges which could alone be derived from the result of bargain and negotiation, not from what was called good example. Local prejudices were difficult to be overcome, and nations were like individuals, if they did not make good terms for themselves, they must lose in the affairs of life. It was vain to hope that the progress of liberal principles in politics would lead to liberality in trade; for the nation which enjoyed the greatest amount of political freedom was that which was the least liberal in matters of commerce. Had not other countries, instead of making any concessions, screwed up their commercial restrictions as high as possible? Look at the conduct of Prussia. Look at the conduct of America. In proportion as we had relaxed our commercial system, theirs had been rendered more rigorous. He should support the Motion of the hon. member for Tynemouth.

Mr. *Hume* contended, that the arguments of the noble Lord did not bear upon the question. The noble Lord had asserted, that in proportion as our commercial restrictions were diminished, the commercial restrictions of other countries had been increased. But that was not the case. The noble Lord had instanced America and Prussia. But it was well known, that the cause of the American Tariff was the refusal of England to receive American corn. And with respect to Prussia, we imposed a duty of 250 per cent upon her timber, and yet complained of her, because she laid a duty of ten, twenty, or thirty per cent upon articles of English manufacture. If ever there was a position which, in his mind, was more distinctly established than another, it was, that by the Reciprocity of Duties Act, much evil had been avoided, and much good had been accomplished. He was prepared to show, that the shipping interest in the continental countries was in a much more depressed state than in England. Of this he was convinced, that it was the object, and that it ought to be the object of England, to remove all commercial restrictions. For one foreign ship which at present entered English ports, two English ships entered foreign ports. It was clear, therefore, that unless commercial restrictions were abolished, England would suffer twice as much in that respect as all the other countries together. What ought to be the chief consideration of that House? To discover the principles on which the prosperity of the country at large might most securely be founded. It ought to be recollected, that other parties ought to be considered, besides the shipowners. The consumers should not be overlooked. The great body of consumers had derived extensive benefit from the Reciprocity of Duties Act. His advice was to open all our ports at once, and to let every ship come in with perfect freedom. In relaxing our commercial system, we had not given up a single farthing for which we had not got two in return. He well remembered, that in the year 1828, when General Gascoyne brought the subject under the consideration of the House, the downfall of the British commercial marine was confidently predicted as the necessary consequence of the liberal system of commercial policy. It should be remembered, that a constant improvement was taking place in navigation, and that the voyages of ships were made with more rapidity and safety than formerly. If, therefore, we kept up the same amount of tonnage afloat as formerly, it was a proof that our commercial prosperity had increased. What was it as compared with other countries? What was the extraordinary state of ruin and destitution into which the commercial marine of this country had been thrown, as compared with the commercial marine of other countries? He held in his hand papers which proved that, in the same period of time, while there was only a diminution of twenty-seven or thirty thousand tons in the commercial marine of England, there had been a diminution of no less than four hundred thousand tons in the commercial marine of America. General freedom, he was perfectly satisfied, would be generally advantageous to all countries. But although he was opposed to the Repeal of the Reciprocity of Duties Act, he was equally hostile to the continuance of the various monopolies which were allowed to exist. He was sorry to observe the vacillations on that point of the right hon. Gentleman opposite. The right hon. Gentleman had yielded to the importunities of Ireland a monopoly to which she was not entitled. He (Mr. Hume) wished Ireland well, but he did not wish that she should have more than she was entitled to. On that ground, on the ground of monopoly, he thought that the hon. member for Tynemouth, and those who supported his Motion, had fair grounds of complaint. Some of the arguments, however, of the hon. member for Tynemouth were strangely inconsistent. What right had the shipping interest, after having declined the boon which was offered them in the diminution of the duty on timber, to complain that they were unable to build their ships at the rate at which ships could be built in foreign countries? The monopoly occasioned by our corn-laws, he (Mr. Hume) freely acknowledged was most injurious to our shipping, in common with all our other interests. On the whole, the speech of the hon. member for Tynemouth appeared to him to be an admirable one in favour of free trade, which certainly the hon. Member did not mean it should be. Against monopoly the hon. Member had made out a strong case; but he had made out no case at all for the Repeal of the Reciprocity of Duties Act.

Mr. *Robinson*, who spoke amidst interruption from cries of question, maintained that the arguments of the hon. member for Middlesex were perfect fallacies. If the speeches of that hon. Member, and of the right hon. Gentleman opposite, were to be taken as answers to his hon. friend, the member for Tynemouth, the shipping interest might sit down in hopelessness and despair. He had not expected the taunt of the hon. member for Middlesex, that the shipowners, having refused the Repeal of the Timber-duties, should not now be heard to complain. They felt that they could derive no advantage whatever from a mere change of duties, which might at the same time deprive them of the carriage of the colonial timber. He admitted most candidly that much had been said by the right hon. Gentleman opposite, which operated materially against the assumed argument of his hon. friend near him, who was unjustly charged with advocating the shipping interest at the expense of the other interests of the country. Why, the shipping interest was the only interest in the country which was placed on disadvantageous terms, with the most onerous restrictions, and without any protection whatever. The hon. member for Middlesex spoke of the Corn-laws; but that monopoly was kept up, not for the shipping, but for the agricultural interest. The hon. Member had referred to the state of the American tonnage, and stated that, within the last few years, it had decreased 400,000 tons. There could be no doubt this was a great blunder,—a very natural one for the hon. Member to fall into, thereby mistaking an actual increase for a decrease. This was a question, he was ready to admit, of considerable difficulty; but he would support the Motion of the hon. member for Tynemouth, because he denied the right and power of the Crown to form treaties of commerce with foreign powers independent of that House. He wished Parliament to be the judge on such an occasion. Sure he was, if this Motion was negatived, and if there was no assurance from Government that some other remedial measures were about to be proposed, in order to relieve the shipping interest of the country, that most important branch of the commercial greatness of the country would soon dwindle into insignificance, if not perish in ruin.

Mr. *Ruthven* insisted upon his right to speak on a question in which his constituency were deeply interested; and more especially as it was one in which Irish Members could not be taunted with taking up views merely local, as the question was completely imperial. As it was so late, he would content himself with observing, that the hon. member for Middlesex should not grudge Ireland the little advantage she derived from the provision trade, when her shipping was no more than 137,000 tons.

Mr. George F. Young briefly replied, and the House divided—Ayes 52; Noes 117; Majority 65.

List of the Ayes.

Arbuthnot, General
Attwood, T.
Attwood, M.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Brocklehurst, J.
Cayley, E. S.
Cayley, Sir G.
Chapman, A.
Chaytor, Sir W.
Copeland, Ald.
Corry, Hon. H. T.
Darlington, Earl of
Dillwyn, L. W.
Duncombe, Hon. W.
Ewing, J.
Ferguson, Sir R.
Ferguson, G.
Gordon, Capt. W.
Halcombe, J.
Hay, Sir J.
Hay, Col. Leith
Hayes, Sir E.
Hodgson, J.
Holdsworth, J.
Ingham, R.
Irton, S.
Jones, Capt.
Lowther, Col.
Miles, W.
Perceval, Col.
Reid, Sir J. R.
Robinson, G. R.
Ross, H.
Rumbold, E. C.
Ruthven, E.
Sandford, Sir D. K.
Sandon, Lord
Seale, Col.
Shaw, F.
Thompson, B.
Tullamore, Lord
Vincent, Sir F.
Vyvyan, Sir R.
Wallace, R.
Williamson, Sir H.
Wilks, J.

PAIRED OFF.

Egerton, Tatton
Fielden, J.
Johnstone, Sir J.
Stewart, J.
Stewart, Sir M. J.
Talbot, J.
Warre, A.

TELLERS.

Young, G. F.
Thompson, Ald.

Irish Coercion Act.—Barony of Delvin.] Mr. *Montague L. Chapman* felt most anxious to ascertain what further information, besides that already laid on the Table, induced the Irish Secretary to persevere in continuing the application of the coercive measure, to a county which certainly that statement did not represent as being in any fearful or alarming state. To lead to this exposition on the part of the Secretary, it would be necessary for him to enter into some details. Some short time since a meeting of Magistrates numerously attended, was held at Mullingar. It was summoned together, in consequence of a resident Magistrate and gentleman of property in the county, having been most daringly fired at, and in consequence of this outrage, and the state of the county, the Magistrates present, naturally excited by the occurrence, applied to Government to proclaim the baronies in which the outrage had occurred, that of Moyarbel and that of Delvin. He would admit, for the sake of argument, that the Act was called for by the state of the other two baronies, however much at any other time he might be disposed to deny this, and disapprove altogether of the Act, and would refer to Delvin alone, and it so happened that many of the Magistrates connected more immediately with it, were, by different causes, unable to attend the meeting, and lay before the assembled Magistrates its real state and condition. Under these circumstances, the application was made, and the Government acceded to it, before entering into any of those inquiries which it ought to have instituted. It neither inquired what steps had been taken by the Magistrates resident in the barony—whether any exertions had been made by them to avert any necessity for having recourse to a measure which had been passed by the House, but as one to be resorted to in the last extremity; but hastily and unadvisedly, jumped at the demand of the Magistrates, and proclaimed the barony. He himself had made remonstrances of the strongest nature to the Irish Secretary, immediately upon hearing of the application, and before the Secretary could communicate those remonstrances to the Irish Government, the proclamation had been issued, and the barony included with the others. Moreover, a memorial, praying Government not to accede to the request of the Magistrates, as far as Delvin was concerned, was got up in the barony immediately after the meeting. It was signed by three Magistrates, the representatives of the largest fortunes in the district. It was signed by the Protestant rector and curate of one parish, by the Catholic clergymen, and by many of the persons most interested in securing the peace and tranquillity of the barony; and yet this memorial was answered by the statement that the act was done—that the barony had been proclaimed—that the thing was over—and that its inhabitants must submit with patience to the infliction of a measure which was passed by the House as applicable only to criminality of the very highest degree. Surely, he had a right to suspect that a part of the Irish Government must desire a re-enactment of the Coercion Act, and had taken advantage of this occasion to demonstrate its necessity. As to the crimes committed in the barony, by this paper it appears that since March, six crimes have been committed, and through those I would proceed in turn, chiefly for the purpose of showing how defective is the character of the species of information given to the Government. The first case reads very fearfully; nothing less than the levelling of a house, which would give an appearance of great disturbance to the barony, but when added to what his information could enable him to add to it, namely, that the house was one of bad character, it really did appear to him that this first case—this head and front of the baronial offence—this pulling down of a brothel—was not a case of such extraordinary violence as to require the application of the Coercion Act. The second was a case of mere highway robbery; the individual who had committed it had been instantly apprehended, and would, no doubt, be punished; and yet this is one of the six cases made out to justify the Government. The third was, if possible, still more ridiculous; it read as if a quantity of hay had been burned maliciously, and yet, when examined into, it appeared that the whole value of the hay amounted to 7*s*. 6*d*., and, moreover, that the doubts as to its having been maliciously consumed were so great that its possessor, who was a great smoker, and was supposed to have destroyed it by accident, had never taken the necessary affidavit for burning presentment. Here there were three cases out of the six offered to the House as the Government apology, and he was sure the House must feel, that they were completely disposed of. Of the remaining three he would at once acknowledge that they were real offences, and such as could not be extenuated. Under these circumstances, he would ask the House to give him a Committee to inquire into the case. He would conclude with one fact, which spoke volumes, and gave a great additional reason for such an inquiry. He had been assured, that the only case of turbulence manifested at Castletown-delvin, since the arrival of the troops, had been displayed by the police, who, on their return some short time since, late at night, from a fair in the neighbourhood, were captured, and held in custody in the guard-house. The hon. Member concluded by moving for a Committee to inquire into the circumstances which justified the application of the Coercion Act to the barony of Delvin, in the county of Westmeath.

Mr. *Littleton* said, he should, at the outset make an admission to his hon. friend that the case of the Barony of Delvin was a weaker case for proclamation than many other cases; he had never concealed that opinion; but he did think that the Lord-lieutenant in Council exercised, nevertheless, a sound judgment in including it. The state of the county of Westmeath had been extremely bad for a long course of time; ever since he had been in office his attention had been forcibly attracted to the numerous outrages committed in it. He was, therefore, not surprised that the Magistrates should have been under the necessity of applying for a proclamation to place those Baronies under the provisions of the Coercion Act. On the 26th of April the Magistrates, who had been convened by previous advertisement, assembled, to the number of thirty-seven, at Mullingar; only eighteen in the whole county being absent; and when it was considered how many were necessarily prevented from attending by age, infirmity, or accident, it would be admitted, that there was, certainly, a very full attendance. They passed a resolution unanimously, without one dissentient voice, calling on the Lord-lieutenant to place three Baronies of the county under the provisions of the Coercion Act. Their representation was to the effect, that it was their unanimous and decided opinion, that the existing laws were not sufficient to meet the existing state of crime and outrage; and they therefore submitted to the Lord-lieutenant that the provisions of the Acts 3 and 4 of William 4th, c. 4th, might be put into operation in those parts where crime was most conspicuous; and for that purpose they suggested that it should be so in the Barony of Delvin, and the two other baronies in question. His hon. friend complained of the great haste which the Lord-lieutenant and Council evinced in following up that Representation, by immediately issuing a proclamation. He thought his hon. friend had been somewhat hasty in making this complaint; for, if he had fully inquired into the subject, he would have seen, that ten days had elapsed, after the receipt of this requisition, before the proclamation was issued—for the requisition bore date of the 26th of April, and the proclamation that of the 5th of May. The right hon. Gentleman alluded to the state of crime in the barony of Delvin; and, in contradiction to the statement which had been made of the small extent to which it prevailed, said, that he found there were not less than seventeen well-attested cases of outrage, some of them very bad. He referred to a letter from Mr. Smith, a Magistrate resident in the barony, in which that gentleman expressed his opinion, that no parish more deserved the proclamation than one of those the exemption of which was desired, which was in such a state that many persons had actually thrown up their holdings and quitted the district. Under these circumstances, he (Mr. Littleton) did not think that the House would be disposed to concur with his hon. friend in expressing an opinion that the Lord-lieutenant, in proclaiming the barony had acted wrongly, and therefore he should oppose the Motion.

The House divided—Ayes 14; Noes 30; Majority 16.

List of the Ayes.

Aglionby, H. A.
Bellew, R. M.
Evans, W.
Fitzsimon, N.
Gillon, W. D.
Hume, J.
Jacob, N.
Nagle, Sir R.
Ruthven, E.
Ruthven, E. S.
Talbot, J. H.
Walker, C. A.
Wallace, R.
Warburton, H.

TELLERS.

Chapman, M. L.
O'Connor, F.

HOUSE OF LORDS,

Friday, June 6, 1834.

Minutes.] Bills. Read a third time:—Friendly Societies; Navy Pay.

Petitions presented. By the Earl of Aberdeen, from Ellon, against altering the present System of Church Patronage in Scotland.—By the Marquess of Lansdown, from three Places, for Relief to the Dissenters.—By the Archbishop of Canterbury, Earl Howe, and the Bishop of London, from a Number of Places,—for Protection to the Established Church, and against the Claims of the Dissenters.—By the Duke of Gloucester, from several Bodies of the Clergy, against admitting Dissenters to the Universities.—By the Archbishop of Canterbury and the Bishop of Winchester, from seven Places,—against the Separation of Church and State.—By the Bishop of London, from West Bergholt, against the Sale of Beer Act.—By the Bishop or Winchester, from several Places, for the Better Observance of the Sabbath.—By Lord Suffield, and the Bishop of Bath and Wells, from several Places,—in favour of the Chimney Sweepers' Regulation Bill.

Ministerial Changes.] The Duke of *Newcastle* was anxious, before proceeding to the order of the day, to address a few words to their Lordships on a subject which he had hoped would have attracted the attention of some other noble Lord, better qualified than himself to do it justice—he alluded to the late changes in the Administration. He was very desirous their Lordships should be rightly informed as to the precise footing on which the Cabinet about to be completed would stand. He feared he must conclude, judging from circumstances which were too notorious, that it was formed on principles entirely adverse to the Established Church of the country; and if anything were necessary to confirm that belief, it was the secession of certain members from the Cabinet, who had retired in a manner highly honourable to themselves, refusing to participate in those measures of spoliation and injustice which their colleagues in a manner so frightful and reckless had determined to pursue, which would justly draw down on them the malediction of the present generation and of all who should come after them. If he were right in supposing that the present Administration was formed on principles hostile to the Established Church, there was a strange and alarming discrepancy to which he desired to advert. Their Lordships had no doubt read a speech which had been pronounced by his most gracious Majesty to the Bishops on a late interesting occasion—a speech which he rejoiced and exulted in saying, would have been quite worthy of the gracious and venerated sire of his Majesty, which was the highest eulogium he could pronounce. What did that speech prove? It proved, beyond all contradiction, that his Majesty was firmly attached to the religious institutions of his country, and that it was his fixed purpose to maintain them. Here, then, was the discrepancy. On the one side they had an Administration formed on the principles of opposition, insult, injury, and persecution to the Church of England, and on the other, a Sovereign determined to uphold the religion and Established Church of the country, as he was, in fact, bound to do by his most solemn asseveration. In those circumstances, he did not think he should apologise to their Lordships for calling on his Majesty's Government to explain to that House, and to lay before the country at the present critical juncture of affairs, the grounds on which their Administration was formed and was to be conducted, and to ask them whether they were prepared to violate the conscience of their Sovereign, and subject his will to,—

Earl *Fitzwilliam* rose to order. He appealed to noble Lords more conversant than himself with the forms of that House, whether the strain in which the noble Duke was proceeding were consistent with its established and recognized orders? The noble Duke had asked whether the present Cabinet, or that about to be formed, was prepared to call upon his Majesty to violate his conscience, having in a former part of his speech quoted the name of an exalted personage in a manner which certainly appeared to him (Earl Fitzwilliam) to trench very much upon freedom of debate, and the usually recognised forms of the House. It was, therefore, a matter of very grave consideration, whether the course pursued by the noble Duke was likely to conduce either to order of procedure, or to maintain the proper freedom and independence of that House.

Lord *Kenyon* rose to order. The noble Earl (Earl Fitzwilliam) had not interfered at the proper time. Had the noble Earl interfered when the name of his Majesty was first introduced, he might have been quite consistent in calling the noble Duke to order. But the noble Earl not having then interfered, and having allowed the noble Duke to proceed in his statement, and put a question to his Majesty's Government, it was not competent for the noble Earl to interfere. Nothing could be more proper or constitutional than for any peer of that House to call on his Majesty's Ministers to explain the grounds on which their Administration was formed, and the principles by which they would be guided.

The Duke of *Newcastle* resumed. He should not have introduced the name of his Majesty, but that it was absolutely necessary, however unwilling he was to do so; and certainly the name of his Majesty had been in that House very improperly used on former occasions. He would therefore press the question, whether it was the intention of Government to attempt to control his Majesty, and induce him to forswear his most solemn engagements? [" *Order, Order.*"]

The Earl of *Mulgrave* felt great unwillingness to interrupt the noble Duke, but he felt solemnly convinced that the course the noble Duke was pursuing was utterly at variance with the recognised orders of the House. The name of his Majesty should not be introduced on such an occasion; and therefore he put it to the noble Duke himself, without appealing generally to their Lordships, whether he would proceed in a course which the noble Duke himself must acknowledge was at variance with the established rules of the House?

Earl *Grey* said: Nobody, my Lords, is more ready than I am to admit the privilege which every noble Lord possesses, of asking, upon any occasion, questions of any member of his Majesty's Government, nor shall I be found unwilling to answer those questions when properly put. I must, however, say, on the present occasion, that the question itself is a very strange and extraordinary one, and that the grounds on which it is founded are altogether inconsistent with the orders of your Lordships' House. The noble Duke first of all says, that there is, what he calls a discrepancy between certain declarations said to have been made by his Majesty and the formation of the present Administration. My Lords, with respect to the speech supposed to have been delivered by his Majesty, I can say nothing, not having advised his Majesty—being in no way responsible for it—not knowing by whom it was reported, or on what authority it rests; I can say nothing but this—if that speech expressed his Majesty's determination to uphold the Church, I am certain it expressed truly the feelings and determination of his Majesty on that important point. My Lords, give me leave further to say, with respect to the inference which the noble Duke appears to draw, from what premises I know not, that there is, in the constitution of the present Administration, something inconsistent with that declaration of the Sovereign to support the Church, that the noble Duke's inference is unwarranted, and I beg leave to give his assertion the most positive contradiction. But the noble Duke has referred to the secession of some individuals lately members of his Majesty's Administration. Nobody, my Lords, regrets that secession, nobody has, both upon personal and public grounds, more reason to regret it than I have. But I am sure, that, in leaving his Majesty's councils upon grounds which, in conscience, in honour, and in duty, they found themselves compelled to act, they will give me credit for an equally sincere conviction, though, on certain points of opinion, I may differ from them, as well as an equally sincere desire with themselves, to uphold and secure the interest of the Protestant Establishment in these realms. More than this, my Lords, I will not say on the present occasion, as we may soon, possibly on this very night, have an opportunity of going more into the circumstances connected with this subject; but I must protest, distinctly and decidedly, against any interpretation which the noble Duke, or any other Peer, may put upon the changes that have unfortunately lately taken place in his Majesty's advisers, leading to the conclusion that there is in those who remain in his Majesty's confidence any other than a sincere and conscientious desire to maintain, by all the means in their power, inviolate in efficiency, in dignity, and in usefulness, the Established Church of these kingdoms. So much, my Lords, in reply to the general assertion of the noble Duke; but I must be allowed to add, that the manner in which the question was put was most extraordinary. For, what was the question? The noble Duke called upon me, unworthily placed as I am at the head of his Majesty's Councils, to answer a question which, I believe, never before entered into the mind of any man but that of the noble Duke himself—namely, whether the Administration had been formed on the principle of forcing his Majesty's conscience? Is it possible, my Lords, that the noble Duke could have thought of seriously proposing such a question, or that there could have been any but one answer to it? The noble Duke may think the measures of his Majesty's Government inconsistent with the duties which they owe to their Sovereign, their country, and the Established Church. He may condemn those measures as loudly and vehemently as he pleases; but, can he believe, that any man could deliberately entertain the intention which he ascribes to his Majesty's Government, or give any answer to the question but one—that they never had attempted, and never could attempt, to control or force his Majesty's conscience? My Lords, I can answer for it, if an attempt were made by any member of the present Administration, or of any other Administration, to propose to his Majesty anything which he thought inconsistent with the duties which he owes to the people as their protector and father, the Sovereign would at once reject such a proposition with indignation, and would not suffer such an individual to continue for one instant longer in his royal confidence. My Lords, I have thought it necessary to say thus much in answer to the noble Duke's question—a question which I think altogether improper — a question far from consistent with the orders and rules of this House; and, having answered it, I may now say, that I am ready to meet any charge which the noble Duke or any other Peer is prepared to bring against me; and, if the noble Duke thinks his Majesty's present Ministers are unworthy the confidence of this House, the proper course which he is bound in honour, and I think in duty, to take, is to move an address to his Majesty, praying that he would be graciously pleased to remove them from his Councils — a Motion, my Lords, which I shall be prepared to meet, and, on the result of which, I shall be prepared to act, as my duty and conscience shall dictate.

CHURCH OF IRELAND—COMMISSION.] The Earl of *Wicklow*, in rising to submit to their Lordships the Motion of which he had given notice, said, he would make no apology for bringing this subject before them. If any apology were due, it was to that country of which he was one of the Representatives; for not having, at an earlier period, taken an opportunity to call on the noble Earl at the head of his Majesty's Government for some explanations which might have the effect of tranquillizing the public mind on those points in which not only the friends of the Church in Ireland, but in this country also were at present so anxiously, he might say so painfully, interested. He trusted, that noble Lords opposite would not believe, that he brought this question forward with any wish, to add to the embarrassment in which they were involved. During the whole of the Session, he had abstained from pursuing any course which might impede their career, and however much he objected to it, he sought no opportunity of embarrassing them. He really felt a desire to be able to support their measures. He thought, too, that he could perceive some dawning of improvement in the mode of their conducting our domestic concerns; and that, particularly in that part of the empire with which he was connected, a disposition was evinced to alter the course which formerly they had pursued. He hoped that they had at last learned the vanity and futility of those concessions which they had formerly made to a base and mischievous faction which could not be appeased without a systematic spoliation of property, totally inconsistent with the first elements of all government. But he confessed, that he was altogether disappointed. He now saw, from the position which the present Government had assumed, that their policy, far from being improved, was likely to become considerably worse. They had divested themselves of the aid of those to whom the country had hitherto looked up with some degree of confidence and thus had thrown aside the drag-chain, which might be said to have impeded their rapid course in the down path of revolutionary spoliation. With reference to the Commission, viewed abstractedly from the circumstances and events with which it was connected, he was at a loss to see on what principle or ground it could be maintained. Was it the result of any Motion in that or in the other House of Parliament? Was it required by any deliberations or acts of either House? Certainly not. The only measure in progress which it might be said in some degree to affect was, the Irish Tithe Bill. But could it be said that Government required the Church Commission in order to carry that measure into effect? Assuredly not. The Bill had laid on the Table of the other House for a considerable time, and had resulted from the united wisdom of a united Cabinet. It had been read a second time—it now stood for the Committee; its principles were acknowledged and it had in general received the sanction of a large majority of that House. It could not therefore be said that Government required to issue the Commission in order to afford satisfactory information upon that measure. On what ground, then, could it be defended? It was strange that this Commission should have been announced on the eve of that gracious speech alluded to by the noble Duke (the Duke of Newcastle). He did not require anything which had taken place in the House that evening, to inform him that it was irregular to allude to any speech of his Majesty, particularly of a private nature; but when a document of that description had been published in the newspapers of the day, when it was declared to be the speech of the Sovereign, and when there was no contradiction to it, he thought that he had a right to consider it, he would not say as the speech of the Sovereign, but, at all events, to allude to it as a document of public notoriety. He would not say, that his Majesty had made that speech; but he would put the case hypothetically, and he would say, if any Sovereign of England did utter such a speech, it was one which did equal honour to his head and his heart. It proved, that the Sovereign was not unmindful of the sacred duties which he had to perform—that he had duly studied the annals of his country and family to some effect and purpose—that he well knew the principles and causes which placed the house of Hanover on the throne of these realms, and which cast into exile the house of Stuart; he well knew the lights which were to guide his path, and the beacons which warned him of that which he ought to shun. Was it not then strange, that on the very eve of that declaration when the tears were yet moist on the royal cheek, that the Ministers of the Crown should propose to the Sovereign the issuing of this Commission? He should like to know if the reasons given in another place, and which from their publicity he had a right to allude to, had been assigned to the Sovereign, in order to induce him to put his name to this Commission? He should like to know if it were really true that a Commission of this sort, which everybody knew required some time and considerable formality, had actually been signed and issued, *bona fide*, on Monday? At all events, it was evident that it had been got up with extreme rapidity, and had been brought to the Sovereign on the very day it had been determined on. He found by the public papers that a noble Lord, high in his Majesty's Councils, had in another place made use of the following language:—"He needed not, he thought, to say, that no man in his senses could think of advising his Majesty to issue such a Commission unless he was prepared to act on whatever the report of that Commission should be." A

Minister of the Crown, a person high in rank in the Administration of the country, the leader of the House of Commons, had made that declaration. Had they then come to this? Were the duties of the Administration to be thus delegated to Commissioners? Was such a Commission, like a Roman dictator, to supersede all law and the established institutions of the country? But another declaration made by another noble Lord, a Member of his Majesty's Government, was to the following effect:—"He stated, that he differed from the hon. member for St. Alban's, when he said, that Ministers must dissent from his Resolution because they did not adopt it; he thought, in fact, that Government were adopting the very best method of carrying his principle into effect." Thus, then, had the objects of the Commission been openly, broadly, and distinctly avowed in another place by the members of his Majesty's Government. Were such sentiments to be re-echoed within those walls? Would the noble Earl at the head of Government, and the noble Marquess the President of the Council, give their countenance to such opinions? The Resolutions themselves were before the world, and he did not need to repeat them; it was enough for him to say, that they not only declared the competency of the State to lay violent hands on the property of the Church, but that the time had come when that interference was necessary. The noble Earl opposite, he trusted, would be glad of the opportunity of repelling the foul imputations which such sentiments must direct against the character and principles of the Government. He could not, indeed, attribute them to the Administration, but rather to the fault and inaccuracy of parliamentary reporters. At no period of our history had such a shameless attack been made on Church property. It was reserved for Whiggism, for the Millennium of Reform, to avow such sentiments, and to carry them into effect. To show what was the general feeling of the country on this subject, he would read a passage from the writings of a man whom all their Lordships honoured. Mr. Burke said, 'The 'people of England have incorporated 'and identified the estates of the Church 'with the mass of private property, of 'which the State is not the proprietor, 'either for use or dominion, but the 'guardian only, and the regulator. They 'have ordained, that the provision for the 'Establishment should be as stable as the 'earth on which it stands, and should 'remain inviolable. It was dangerous 'here to talk of "more or less:" "too 'much," and "too little," were treason 'against property; sacrilege, and pre'scription, were not among the Ways and 'Means of our Committees of Supply.' These were sentiments worthy of an honest Whig. But it might be said, that Burke at that period was not a Whig. True, he had separated from that party who had called themselves his friends and Whigs, but he had perceived, when the trying occasion came, that if he was to be enabled to serve his country, and protect her from the poisoning influence of French democratical principles, it was only to be done by quitting their mischievous connexion. Those opinions were promulgated to the world when the noble Earl now at the head of his Majesty's Government was commencing his public career. True, the spheres in which they both moved were very different. They might by possibility have both been wrong, but both could not have been right. Most probably the noble Earl was satisfied with the line which he had taken, but he must remember, that his public character was public property, and open to public animadversion. It was matter of history—and he believed the historian of the time would not fail to mark it—that the dawn of the noble Earl's political career was in the midst of the dissemination of French Jacobinical principles over the world, and that its setting would be the downfall of the Church of England. He could not lose sight of the effects which this Commission must have as a matter of course in that country to which it was directed. This was a part of the case with respect to which, as a Representative Peer of Ireland, he might be expected to feel more warmly than some of their Lordships; but he would most solemnly avow, that of all the plans which the most wild, and reckless, and mischievous Administration could devise in order most effectually to convulse that country, this was the most calculated to open afresh all those wounds which the Government of later times had been endeavouring to close up, and to produce a train of the most direful and alarming consequences. He particularly deprecated the effects of this Commission in consequence of the present state of commotion which prevailed in Ireland, and which had for so long a time been the bane of that country. So alarming, indeed, had become the condition of society in that country, that one of the severest measures of coercion had become indispensably necessary for the protection of life and property. That Act would terminate within a month from the present time. Was it then safe, in such a state of things, with the elements of the social system disorganized, to allow this demon of discord to stalk abroad—to enter every parish, hamlet, and habitation, great or small—and for what? To separate the religious sects, the Protestant from the Catholic—to set the great majority on the one side, and mark the small minority for the odium and ridicule of the predominant party. The measures of the noble Lord were said to be based on the principle of doing away with all religious difference. Was this the manner in which it was to be effected? Already emigration from Ireland prevailed to a great extent, in consequence of the insecurity of life and property. The emigrants were chiefly Protestant respectable farmers, who left Ireland to obtain in foreign lands that security which was denied them in their own. They went, because there was amongst them a deep-rooted impression, that they were forsaken by the Government, and that unfortunate impression would be strengthened by the present conduct of the Government. He must attribute that conduct to ignorance of the condition of Ireland, for he could not attribute it to a worse motive. He trusted, however, that the country would open its eyes to the course which was now being pursued, and that the people would bestir themselves in defence of all that they held sacred and dear. He hoped that, at least, their Lordships would let the people of this country know, that if there was a House of Commons clamorous for the sanctioning of measures of the kind now proposed, and a Government ready to pander to the passions of agitators, there was still in their Lordships' House a body willing to support them and capable of doing so. He sincerely hoped, that their Lordships would hear sentiments uttered by his Majesty's Ministers in that House different from those which had been attributed to their colleagues in another place. He turned with confidence to the noble Marquess opposite (the Marquess of Lansdown) who had always shown himself the friend of the country. He was not one of those statesmen who, in their career, reminded one of the sea weed cast up from the bottom, to float for a time on the surface of the flood, ready to sink to its original position as soon as the agitation of the waters should subside. The noble Marquess had long occupied an honourable position in public estimation, and until he heard him in his place avow that he concurred in the sentiments uttered by his colleagues in the other House, he would never believe that he could do so. The question which he had brought before their Lordships must have an answer. The usual policy of Ministers would not succeed. Silence would be damnatory. There was manliness in an open and candid bearing, but silence was cowardice. A declaration must be made, and therefore he asked the noble Earl, whether the Cabinet was determined to advocate the principle, that it was legal to seize upon the property of the Church, and apply it, under the name of religious and moral purposes, to purposes other than those of the Church of England? Whether, in fact, the Government could seize upon the property of the Church, and apply it to the religious purposes of the Roman Catholic population? The noble Earl concluded by moving, "that an Address be presented to his Majesty, praying that he would be graciously pleased to direct a copy of the Commission issued relative to the Church of Ireland, to be laid upon the Table of the House."

Earl *Grey* spoke to the following effect:—My Lords, it is not, I believe, my usual practice to shelter myself beneath a cowardly silence, and most assuredly I will not do so on the present occasion. I will proceed to state, with as much distinctness as I can, what are the views, the motives, and the principles which induced me and my colleagues to advise his Majesty to issue the Commission which is the subject of this night's discussion. Before, however, I enter into a consideration of those circumstances which naturally arise out of the speech delivered by the noble Earl, I must offer a remark on the nature of the Motion which he has submitted. The Motion is simply for the production of a copy of the Commission. To that Motion no objection will be made from this side of the House. The noble Earl must have been assured that the Motion would not be opposed, because a similar Motion has been acceded to in the House of Commons, and a copy of the commission is actually now upon the Table of that House. The noble Earl, however, not choosing to wait for the production of the commission, has been pleased to offer various comments upon what he considered its objects, and to lay the foundation for a future Motion—for, if upon examination, the commission should be found to bear the character which the noble Earl has attributed to it, I must tell the noble Earl, —as I told the noble Duke at the commencement of the business this evening, —that his duty will not conclude with the speech which he has delivered, but that he must take one of three courses. If the Commission should prove to be such as he has described it, and to be issued from the motives which he supposes, he must either propose a vote of censure upon us who advised the issuing of it, or he must move an Address to his Majesty to revoke the Commission; or he must move an Address praying his Majesty at once to dismiss the Ministers who have been guilty of the inexpiable crime of advising him to issue a Commission which is founded on principles of injustice and spoliation, and is calculated to set Ireland in a flame. It is the duty of the noble Earl and those who take the same view of the matter that he does, not to content themselves with mere declamation, but to adopt practical measures, and to do what in them lies to show the country the great danger which will be incurred by suffering the Government to continue in the hands of those who at present administer it. I say there can be no shrinking from this course. The noble Earl must be prepared to follow up the Motion of this night with another, having for its object the putting of an end to an Administration which, in his opinion, is likely to produce so much mischief to the country. Having said thus much, I will wait anxiously for the further proceedings on the part of the noble Earl, which, I think, he is bound to institute, and will now proceed to notice some of the arguments which he has employed on the present occasion. The noble Earl supposes that the commission can have been issued with no other intention than that of sanctioning the spoliation of the Church. I deny that such is the case. I say, that myself and my colleagues do not look forward to any thing that can justly deserve the name of spoliation. We certainly look forward to a great alteration, but to nothing beyond that. When the noble Earl talks of the Commission being paramount to the Government, and of its being invested with power to dictate to the Ministers of the Crown, and quotes for his authority an extract from a speech delivered by my noble friend, the Chancellor of the Exchequer, in the other House (whether correctly reported or not, I do not know,) I must say, that he puts a false construction both upon the grounds on which the Commission has been issued, and the motives of those who have advised it. The Commission is to inquire, not into opinions, but facts, for the purpose of collecting information on which, ultimately, the Government and Parliament may form an opinion and pass any law which may be necessary. The Commission prejudges nothing, decides nothing. But, says the noble Earl, a principle is involved in the issuing of the Commission which no administration ought to sanction, and no Legislature support, namely, the principle, as the noble Earl states, of seizing upon the property of the Church. I deny that that is the principle of the Commission. The Commission is issued with a view to the regulation, with a view, if you will, to a different appropriation, of the revenues of the Church. I ask the noble Earl, whether, in the country which is naturally the first object of his solicitude, he can meet with many persons who think that the state of the Church in Ireland, is such as not to require the most careful attention? I have, all my life, hated the discussing of abstract principles, and that which is involved by the present discussion, is certainly rather of a speculative than of a practical nature; but if I am called upon to avow my opinions on the point, I trust that I have too much manliness to shrink from declaring them. It was certainly my wish, that the property involved in the Bill to which the noble Earl, in the course of his speech adverted, should be secured; but I never met with any person, either belonging to the sister country or to this, who would not admit, that the Church in Ireland stood in a different situation from the Church in England. It is true, that they are united by law (the policy of which may, perhaps, be disputed); but it is universally admitted, that the circumstances connected with the churches of the two countries are so different, that different measures of improvement are necessary for that of Ireland, from those which are applicable to the Church in this part of the empire. Under these circumstances, I contend, that the property of the Church does not stand on the same footing in both countries. The rights of the present possessors, I hold sacred; but I maintain, that the property of the Church is a subject for the exercise of the discretion of Parliament. Is this opinion exclusively mine? I certainly do not like the practice, which is inconsistent with the orders of the House, of quoting from speeches made elsewhere; but as the noble Earl has set the example, I will quote from the speech of one whom I regard as a very high authority, and whom the noble Earl will readily admit to be so. In a recent debate in the House of Commons, I find these words attributed to a right hon. Baronet:—'He was prepared to meet the 'Motion of the hon. member for St. 'Alban's with a direct negative. But if 'he did so, it would be extremely unjust 'to imply, that he was contented with the 'present condition of the Established 'Church in Ireland. Two years ago, 'when a Committee was appointed on the 'subject, those who were connected with 'that Committee could bear testimony, 'that he (Sir Robert Peel) admitted him'self ready to consider any measures cal'culated to correct any abuses that pre'vailed in that establishment. He stated 'his opinion at that time,—an opinion 'which still remained the same,—that the 'state of the Protestant Church of Ire'land was such, that the time might come 'when they ought to consider whether or 'no measures might not be devised for 'appropriating a portion of the Church 'property of Ireland, not to other objects, 'but so as to facilitate the propagation 'of divine truth, which was the great end 'and aim of that establishment.' [*Cries "of Hear."*] Noble Lords cry "hear;" and I respond to that acclamation. I certainly think, that the passage I have read asserts the true principle on which we should proceed. When Sir Robert Peel—a name I mention only for the purpose of honour—when Sir Robert Peel, I say, expressed himself dissatisfied with the present condition of the Church in Ireland, and said, that the time must come when it would be necessary to decide pon a different appropriation of its evenues, he stated the principles which I have acceded to by the issuing of the Commission. I will fairly avow my opinions with respect to the property of the Church in Ireland. I think, that if a considerable excess of revenue should remain beyond what is required to support the efficiency of the Church, and those other purposes connected, as Sir Robert Peel says, with the interests of true religion, I avow the principle, that the State has a right to deal with that surplus, with a view to the exigencies of the State and the general interests of the country. This may or may not be an erroneous opinion; but I can assure your Lordships, that it is the conscientious opinion of one who is as sincere a well-wisher and supporter of the Church as any one of your Lordships. When I contemplated the measures and proceedings in the other House of Parliament, I certainly did think (and it is surprising to me, that any one with his eyes open, can come to any other conclusion) that a full investigation into the state of the Irish Church, with a view to such alterations as may be found expedient, and, amongst others, with a view to a different appropriation of its revenues, was absolutely necessary. The noble Earl says, that the issuing of the Commission will establish a precedent for a similar proceeding with respect to the Church in England; I hope not; I trust, that the Protestant established religion will be preserved and maintained in all the purity in which it now exists in this country; but I am sure, that those who endeavour to connect the two Churches, in spite of the anomalous circumstances in which the Church in Ireland is placed—circumstances so anomalous that nothing like them was ever before known in the history of the world—do not benefit the Church in England, and give no support to the Church in Ireland. Can any one, who looks at the state of the Irish Church fail to perceive, that it must necessarily be a subject of anxious consideration with every statesman? The revenues of the Church of England are, if properly distributed, no more than sufficient to ensure its efficiency; but, in Ireland, where not more than one-seventh of the population is Protestant, and only-one tenth belongs to the Established Church, the revenues of the Establishment are enormously disproportionate to its wants. Is it possible to believe, that this state of things can exist without some inquiry upon the subject? Feeling that this is a subject which has attracted general attention—to which not a few factious demagogues, as the noble Earl described them, but a great number of sincere well-wishers of the Established Church, looked with deep anxiety—believing that it is one with respect to which the opinion of the majority of the House of Commons is no longer dubious, his Majesty's Ministers have thought it right to recommend the issuing of a Commission to obtain all the information which is requisite to enable Parliament to ascertain in what manner the Irish Church should hereafter be dealt with. In doing this, I disclaim any intention to sanction the principle of spoliation, I wish merely to effect a new appropriation of the revenues of the Church. This is a principle which every country in Europe has recognized and acted upon. All I can say is, that believing it to be our duty to support the Protestant religion, and the Irish Church, by rendering the latter less odious in the eyes of the people of that country than it is at present, we have recommended the appointment of the Commission for the purpose of laying before his Majesty and Parliament such a body of facts as will enable them to come to a clear and impartial decision on the subject. The noble Earl says, that there is no just motive for the step we have taken. Has the noble Earl attended to the opinions, not, I say again, of violent men, who are ready to rush into any extravagant excess, but of the sober, reflecting part of the community, and, above all, of the House of Commons? Let us, for a moment, advert to the numbers of the late division in the House of Commons. The numbers appear by the notes to have been 396 to 120, the minority being in favour of a proposition which, had I been a Member of the House, I would have opposed. Those who voted for that proposition desire a larger measure of alteration than I do. The numbers of those who voted for the previous question, and of those who supported the original Motion, united, amount to 516. Now, deducting from this number my right hon. friend, the late Secretary for the Colonies, and those who with him deny the power of Parliament, under any circumstances, or at any time, to divert the revenues of the Church, whether they be wanted or not, from their original purposes (whose number I estimate at 100), there still remain 416 Members of the House of Commons, that is to say, a considerable majority of the whole House, decidedly in favour of a measure of this description. I ask the noble Earl whether, under these circumstances, he thinks that the danger which threatens the Church in Ireland would have been averted by our showing no inclination to yield to the expressed wish of the House of Commons? Would it have been better if, instead of the Government taking the matter into its own hands and issuing a Commission, we had allowed the House of Commons against our wishes, to address his Majesty praying for an inquiry into the state of the Irish Church? I and my colleagues must have retired as soon as the result of the division had been made known; and who, I should like to know, would have answered the address of the House of Commons? Another Administration would probably have been formed on principles more congenial to the sentiments of the noble Earl, who might have advised his Majesty to give such an answer to the Address which would perhaps have led to consequences which I cannot contemplate without the greatest apprehension. Under the circumstances in which we were placed, I certainly concurred in advising his Majesty to do what I think will—unless it be made the subject of party violence—be best for the interests of the country. The noble Earl has fixed upon a particular expression in the speech of my noble friend in the other House of Parliament, and, with reference to that, says, that we would not have issued the Commission without being prepared to act upon it. Undoubtedly we would not; but we are not prepared to do what the noble Earl apprehends, namely, to take the revenues of the Protestant Church and give them to the Catholic Church. I know that such an imputation has been cast upon us; I am aware that I have been charged with having such an intention; but I disclaim it as most unjust. What I and my colleagues propose to do is simply this—we are prepared to act upon the Commission as far as this—that when it produces such a body of information as we expect, we will take it into consideration, and be prepared to act upon it honestly and conscientiously, with a view to the general interests of the country. We are accused of precipitancy. The noble Earl says, that we have decided upon issuing the Commission in the heat of the moment, without due deliberation. In order to relieve the noble Earl from all anxiety on account of the rash proceedings of his Majesty's Ministers, I humbly beg leave to inform him that this Commission is no new matter, but that several months ago—my noble friend near me informs me it was on the 18th of January last—a despatch (able as every thing is which proceeds from the noble Marquess) was received from the Lord-lieutenant of Ireland, recommending that such a commission should be issued. If we have any thing to reproach ourselves with, it is, perhaps, with not having acted sooner on the noble Marquess's recommendation. I have now announced the principles on which the Government is prepared to act, and I believe, that in acting upon them, we shall not be pursuing a course that will endanger the general interest of society or of religion. I may be mistaken—I may be misguided—I may be wrong; but these are the principles upon which I am prepared to act, conscientiously believing that by such a course alone can the affairs of Ireland be brought to a satisfactory result. The noble Earl says, that we Whigs are acting upon principles which are not the principles of Whigs, as described by Mr. Burke; and he also alluded to an early period of my life, and said that I began my career by assisting in the dissemination of jacobinical principles, and am now about to conclude it by effecting the downfall of the Church. I hope the noble Earl's prophecy may prove as false as his facts. In early life I certainly took up with all the fervour of youth the great question of Parliamentary Reform, which in my latter days I have brought to a successful termination. With respect to Mr. Burke, I can never speak of that illustrious person without the greatest admiration of his talents, his unbounded knowledge, his extraordinary attainments, and without a deep sense of the important services which he rendered his country. There is no author from whose pages I would more willingly extract the principles of Whiggism than from those of Mr. Burke; but it unfortunately happens, at the same time, that there is no Tory, let him be ever so violent, who cannot from other parts of that illustrious man's writings adduce principles consistent with those which he professes, particularly with respect to the Irish Church. The noble Earl says, that having passed the measure of Parliamentary Reform, we have since been proceeding in a mad career of revolution. It has been my anxious desire and endeavour, to do exactly the contrary of what the noble Earl attributes to me. It is undoubtedly true, that I and every member of the late administration, except one, felt the necessity of introducing the measure of Parliamentary Reform. We thought it right, also, that it should be extensive, in order that we might afterwards take our stand upon it; and I appeal to your Lordships and the country whether I have not resisted every attempt to push the principles of that measure further. Having, however, secured to the people of England their own Representation, by means of which they can correct existing abuses, and prevent the introduction of new ones, it was my anxious desire, that in the prosecution of further salutary improvements, the Government should proceed in a regular course, on moderate and constitutional improvements, and not be urged by clamour from without into extreme and dangerous measures. This course I have endeavoured to pursue in spite of misrepresentations from both sides. I have been attacked on one side (unjustly, I think upon some occasions) for feebleness and indecision; and on the other for precipitancy and violence. I have endeavoured to avoid both extremes. I have always felt a deep anxiety, which may, perhaps, have obstructed my course, to avoid collision between this and the other House of Parliament. Your Lordships are aware of the feeling which prevails upon this subject, and I am sure that you will do your duty fearlessly and honourably, but I beg to warn you against the consequences of a collision which, whatever party might gain the victory—and I think that on which side victory would be, can hardly be doubted—cannot be attended by anything but consequences of the most dangerous nature. I stand, my Lords, as the Minister of the Crown before your Lordships and the country, asking only for a candid interpretation of my motives and actions, and prepared to stand or fall by them. I appeal to my late and present colleagues whether they have found me at any time much attached to office. The time must come when, from the infirmity of age, I can no longer retain office, and if I am at this moment in the situation of Minister of the Crown, it is only in consequence of an imperative sense of the duty which I owe to his Majesty, to whom I am bound by obligations, greater perhaps than ever before bound a subject to his sovereign, carefully to guard the peace and safety of the country. Would there not I ask, have been inconvenience, if not danger, in breaking up the Government at the present period of the Session; thus interrupting the measures which are in progress, and preventing the introduction of others which I believe to be absolutely necessary? These are the grounds upon which I have acted. In the statement I have made, I have had no reservation; I have concealed nothing which an honest man ought to state. I leave my case to the judgment of your Lordships, only stating that, desirous as I am to uphold the character of this House, I am bound to say that its safety, honour, and usefulness, depend on its acting, not in contradiction to, but in conformity with, the spirit of the age. When Napoleon was in captivity at St. Helena, he said to his attendants, "I have fallen, not in consequence of the combination which was against me, but because I opposed the spirit of the age. The Bourbons will for a time act in accordance with that spirit, but they will soon fall back into their old habits, and then the irresistible power of the age will destroy them; and this, too, will be the fate of all the old Governments of Europe, if they do not adapt their policy to the necessities of the times." These were sound principles, inculcated by a high authority who, under the pressure of the calamities which he acknowledged he had brought upon himself, took a calm and philosophical review of the events in which he had been a principle actor. I trust that your Lordships will not be led away by general declamation about the destruction of the Church, but that you will consider seriously and calmly, whether it is possible that the Church of Ireland can be maintained in the state in which it stands at the present moment, and whether it is not only the part of true wisdom, but the bounden duty of Parliament, acting on sound statesmanlike views and principles, to adopt measures which will prove salutary to the Church itself. To the Motion submitted by the noble Earl I have, as I before said, no objection; but if the noble Earl really entertains the opinions which he has declared with respect to the conduct of the Administration, and the effect that will be produced by issuing the Commission, he is bound not to let the matter rest on the point where he has placed it. It is his duty, for the sake of the country, to submit a Motion which will have for its object to take from our hands the administration of public affairs. In that case my only prayer will be, that the Government may be placed in hands that will conduct it on sound and safe principles; but I tell your Lordships again, that the principles on which it is conducted must be in conformity with the spirit of the age, in order that progress may be made in those further salutary improvements which necessarily grow out of the great measure of Reform. I can declare to your Lordships that I experience no great satisfaction in occupying my present situation. Give me leave to assure you, that it cannot be very agreeable to me to sit here, night after night, to see arranged on the opposite benches a number of your Lordships, who I know, whenever called into a division, must decide any question against me. Nevertheless, I have persevered, under all the difficulties and disadvantages incident to this state of things, in the hope that better times would occur. The noble Earl says, that he is disappointed in the expectations which he formed with respect to the conduct of Government. I also have been disappointed in another respect; for, notwithstanding the forbearance, for observing which during the present Session the noble Earl takes so much credit to himself, symptoms of a bitterness of spirit which I cannot help deploring have manifested themselves. In conclusion I will observe, that if the noble Earl has good reason for entertaining the opinion which he has expressed respecting the conduct of Government, he cannot in honour let the matter rest, but he must adopt measures to effect our removal from office; if he will not do this, let him at least permit our measures to proceed, without endeavouring to excite throughout the country a factious spirit of discontent.

The Earl of *Ripon* was conscious that he was scarcely entitled to arrest their attention with what he had to submit to them, little interesting as must be to their Lordships any matters that could be considered as affecting himself personally; but he took another view of the course which he thought it his duty to pursue. He should not have said one word upon this subject —and they were a very few words which he had to say— if he did not feel, that an individual who had taken on himself a responsible situation under the Crown was as much bound to give an account of, and to justify his abandonment of that situation, as he was, after having accepted it, to account for and to justify any act he performed while holding such office. He trusted, therefore, that their Lordships would pardon him while he stated the grounds on which he had acted on the late unfortunate occasion —unfortunate he called it, and so he indeed considered it—not so much as related to himself—not as to the way in which it might have affected the composition of the Government — but unfortunate, because he was well aware, that the event was one which could not be discussed either here, or by the public at large, without incurring the risk of feelings being raised, which might lead to most dangerous results, and which it had been his object, in every possible mode, as far as related to his Acts as a member of the Government, to restrain. His noble friend who had just sat down had stated to them the principles on which he had endeavoured to conduct the Government of which he was the head; and he had called on those who had been recently connected with him in office to bear testimony to the spirit with which he had endeavoured to meet, and with which he had in many instances surmounted, the increasing difficulties with which the Government had been surrounded. His noble friend called on them to bear witness with respect to measures involving changes in our institutions, that his object had been to preserve and improve, and not to overturn and destroy. He bore his willing testimony to the exertions of his noble friend. If, indeed, he had observed indications of a contrary policy, he hoped he was not so unmanly and base, as to have remained a member of the Government with his noble friend, while he disapproved of the course he pursued. He was sure, however, that his noble friend would do him the justice to believe, that he and his noble and right hon. colleagues whom he had acted with on this occasion, had been prompted by nothing but a sense of duty—by a conscientious conviction by which they felt themselves bound — to withdraw from the Administration. His noble friend and their Lordships would believe, that they had been actuated by no feelings of a mere personal nature, by no desire, God knew, to shrink from any part of the responsibility that devolved on them as members of the Government, but by the impossibility they found of being able to reconcile it to their sense of duty and to their consciences, to be a party to that measure which now had been adopted by the Government, and which had this evening been made the subject of discussion. He was well aware that, in these times, it was impossible for an administration to attempt to carry on public affairs, unless in unison with the spirit of the age. However strange it might appear to some of his former friends, he was a zealous and honest advocate for the great measure of Parliamentary Reform. He thought it calculated to put an end to a system under which the law was constantly violated, and this he held to be an evil of such a nature that, unless it was mitigated, it would destroy the respect that the people ought to bear towards those who were their Representatives in Parliament. On this principle, then, he supported Parliamentary Reform; but he was not disposed to adopt any measure to stop public clamour, or to avoid the pressure from without. He yielded solely, because he thought that the claims were just. But though he entertained those views of the spirit with which the Government must administer the affairs of England or Ireland, it was impossible for him not to feel, that there might arise questions relating to the great institutions of the country on which it would unquestionably not be safe to yield. His noble friend said, that it was not safe to rest. He knew that it was, in difficult times, often very difficult to rest. But if they were to act on that principle, they would rest on nothing; they would still go on to rest nowhere. If this, then, were the consequence, was he not justified in saying, that he would take on himself to try if they could not rest here? If they did not here, he knew not where the resting place would be. As his noble friend had correctly stated, the proposition to appoint a Commission arose out of peculiar circumstances, and was not taken up suddenly. The question was deeply considered, and certainly great objections were felt by himself as well as by his colleagues to the adoption of that measure. He had no particular desire to avail himself of the compliment that had been paid to himself and his colleagues in adverting to their having been described as the "drags" of the Government of which they were members; but he might remark, that possibly they had been useful "drags." At all events, he certainly did feel with regard to the Commission, that if he assented to it, the question as to the appropriation of the revenues of the Church to secular purposes was settled; and when he asked himself if he could assent to such a proposition his answer was, no. He thought that the principle of inquiry into the state of the population of parishes, to ascertain the number of resident Protestants therein, as compared with the number of Catholics, if it meant anything, must mean something that had a direct tendency to effect an alteration of the principle on which the Church Establishment was based. His noble friend stated, that he did not contemplate the possibility of any great change as the result of appointing the Commission; but it was because he (the Earl of Ripon) believed, that the effect of the Commission must be to alter the footing on which the Established Church stood, that he could not concur in that preliminary step. The Universality of the Established Church was its very essence. Its great principle was its diffusion throughout the country; and if they set up the principle that any portion of the funds which were necessary to its maintenance was to be withdrawn from it, or that the revenue of the Church in a particular parish was to be regulated by the number of the Protestant population in that parish, then they destroyed the principle on which alone the Established Church existed. His noble friend had quoted a passage from the speech of a distinguished Member of the other House (Sir R. Peel), who had said, that he admitted a necessity might arise for appropriating the revenues of the Church, but he would apply them especially to the purposes of the Church. If his noble friend had examined the speech further than the passage he had quoted, he begged to ask him whether his right hon. friend had admitted that right to appropriate the property of the Church for the purposes of the State? No; that speech contended most powerfully, and he thought unanswerably, that the distribution must be limited to those objects for which the Church of England was intended. From that proposition he apprehended there was no man to be found who would differ. He for one was ready to give it his fullest assent. But the moment that limit was passed, when they went beyond that and said, that where the Protestant population bore only a given proportion to that of the sects, the funds of the Church should be applied for the benefit of those sects, or for any other secular purposes, then, so far from going to tranquillize and pacify the country, it would, in his opinion, be directly holding out to the different parties an invitation to aggression and mutual hostility. Supposing the Protestant owners of a parish in which this inquiry was to be instituted, and where the population was Roman Catholic, chose to take the following course—he did not mean to say it would be proper, or that they would do so—but suppose that, desiring to maintain the blessings of their religion upon their estates, they chose to substitute for the present population one of their own creed, what was to prevent them from doing so? The proceeding now taken by his noble friends was a direct invitation to the Protestants to do all they could to keep their numbers up, while in the same moment it invited the Catholics to do all in their power to diminish them. They knew what agitation was in Ireland. And was it possible to conceive that under such a system as this, agitation would be suffered to sleep? Should they not soon hear of the increased activity of the pike, the pistol, the torch, and all the devilish machinery which the demons of agitation in Ireland knew so well how to call into action? Why, then, he would say, that if they were to adopt a policy calculated to lead to such results, what hope could there be of tranquillity for Ireland, or how were they to expect that peace should be maintained? It appeared to him that the result inevitably to be expected was diametrically the reverse. His noble friend, indeed, had said, that he did not contemplate—that nobody contemplated—that it was a preposterous idea to contemplate—the applying of this surplus, if any should ever arise, which he greatly doubted, to Roman Catholic purposes. Why then, he would ask, who was it to satisfy? By whom were Church grievances felt and complained of? Why, by nobody but the Catholics. And if they were to gain nothing by the measure, how, then, were they to be expected to be satisfied with it, or to desist from their complaints? Would there not be still mischievous men found to use all these pretended concessions, if they were to have no results, as a means of inflaming and distracting the country ten thousand times more than ever—until the necessary and lamentable result would be, a continuation of the Coercion Act, and the Establishment of the strongest means of Government that could be devised? Why, then, he would ask their Lordships, was there any necessity for this measure? In the first instance he had a right to have the necessity shown, independent of all other considerations, and he had been unable to gather from any one what was the necessity which demanded it. It was said, indeed, that education was required. If that were all, the means might be found of advancing the education of the Catholics, or even of supporting the Catholic clergy themselves, without touching for such purposes the means of the Established Church. Grants for education had been already made; and why conclude that Parliament would not be ready to increase those grants, if what had been advanced proved to be insufficient? At least it would be better to try before going to the Protestant Church and saying "You have too much money, and we must have some of it." He now came to another view of the subject. He had a very strong objection to the principle of doing anything that would have so direct an effect against an essential principle of the Established Church. The objection to which he was now alluding was founded on the compact of the Union. That compact was of a particular kind, and was made under peculiar circumstances. The Protestants of Ireland were a party to it; and he should like to know whether if that Protestant party of Ireland had been told, that at the expiration of a given number of years, at no great distance of time, the Parliament would sanction principles that would place the Church of Ireland in a position of less security, they would have passed that Union? Would they not have been mad to do so, knowing as they would have known, that they would thereby doom themselves to inevitable destruction? In all the discussions on the subject of the Roman Catholic question—in all the discussions on all the Bills introduced by Mr. Grattan, Mr. Plunkett, Sir Francis Burdett, and others, down even to that introduced by the noble Duke on the other side of the House, the maintenance of the Established Church inviolate, was laid down as a principal basis on which was to be granted the great act of justice and concession. He would, then, ask their Lordships would they, after having granted that measure, which he believed to have been founded in justice, say to those who opposed it. "After having let in upon you the danger you feared, we will now take from you the protection which we promised?" He for one would never consent to be a party to such a course. It was a measure the justification of which he could never conceive to be possible; but, at all events, until he was shown some strong and insurmountable necessity for its adoption, he should humbly, but firmly and resolutely, withhold from it his consent. He was aware, that it was of little consequence whether he consented to it or not, and his opposition might be a matter of indifference to his noble friend with whom he had ceased to act. God forbid, that he should use any arts in that House or elsewhere to exasperate public feeling upon the question, but he believed, that such a feeling had sprung up and was hourly increasing as could not be resisted. Having continued to act under his noble friend since his accession to office, though not joined with him in his earlier political life, he thought it unnecessary for him to say, that he should never forget the many acts of kindness and the countenance he had often received at his hands, and that he should never speak of him without reverence for his personal character. With these feelings, nothing but the deepest sense of what his duty, his honour, and his conscience required, could have induced him to take the course he had done. But he must now say that, having taken it, and having had time to reflect upon it, he did not repent of it.

The Earl of *Aberdeen* rose solely to correct an erroneous impression which might be left on the minds of their Lordships, and go forth to the country, from the reference which had been made by the noble Earl (Earl Grey) to a speech of a right hon. friend of his in the other House. It appeared that, although the noble Earl had so warmly censured the irregularity of allusions to what passed in other places, he had himself come down to the House prepared to do the very same thing. When next the noble Earl intended so far to depart from his own rules as to refer to the speeches made in the other House, he begged to recommend the noble Earl to make himself acquainted with the context, and not to quote isolated passages, which formed only a part of the speaker's proposition, and which, taken alone, were susceptible of a contrary meaning to that which they really bore and conveyed in the speech. He would undertake to show their Lordships not only, that the noble Earl had represented the meaning of the speech incorrectly, but that the construction he had put upon it was directly the reverse of what it really meant. The observations of the right hon. Baronet arose in this manner: the noble Lord the Chancellor of the Exchequer had been contending for the right of Parliament to appropriate this surplus to the purposes of moral and religious instruction. In reference to this Sir Robert Peel said:—'The noble Lord 'said, that he thought that, if it should 'be found that there was a surplus, Par'liament should then direct that it be de'voted to the moral and religious instruc'tion of the people of Ireland. Let the 'noble Lord explain what he meant by 'that observation. The time had come 'when it was necessary to have an ex'planation on the subject. Did the noble 'Lord mean by religious instruction— 'and he (Sir Robert Peel) asked the ques'tion distinctly and unequivocally—to 'claim to himself the right out of the pos'sessions of the Protestant Church in 'Ireland to make grants for the dissemin'ation of the tenets of the Roman Catho'lic Church? If by moral and religious 'instruction he (Lord Althorp) meant 'moral and religious instruction based on 'the doctrines of the Church of England, 'he (Sir Robert Peel) did not know that 'he should object to such a proposition, 'as in point of fact it would be merely 'the extension of religious instruction in 'connection with the Establishment. He 'repeated that he did not know that he 'should object to a proposition having 'this object in view. His anxious wish 'was, to extend the blessings of religious 'instruction in conformity with the doc'trines of the Church; but if the noble 'Lord intended to claim the right of es'tablishing the Roman Catholic religion 'in Ireland, and to provide for its main'tenance out of the funds of the Protest'ant Established Church, he (Sir Robert 'Peel) would at once state, that he never 'could be induced to assent to such a 'proposition.'* Now, if the noble Earl had looked to the whole of the speech, he could not have failed to see, that the whole argument of Sir Robert Peel was founded upon the principle that, whatever it might be deemed expedient to do with the revenues of the Church of Ireland, the application to the purposes of the Church ran through its whole tenour and formed its main conclusion. Having heard the misrepresentation which the noble Earl had put upon the language of his right hon. friend, he was sure the noble Earl would himself thank him for the correction; but, most of all, he had felt it due to the House and to the country to make this statement clearly and explicitly, in order that no misapprehension should go abroad.

Earl *Grey* contended, that the speech of the right hon. Baronet admitted the principle of the right of appropriation in the Legislature, if limited to the purposes of the Church. And from that he had a right to infer, that the appropriation to the purposes of education would not be objected to so long as the education was regulated by the principles of the Protestant Church.

The Earl of *Eldon* wished to say, that, if there were any of their Lordships, or any portion of his countrymen, who regarded his opinion as an old lawyer, he did there, in his place, solemnly deny that the State had any right to appropriate the property of the Church at all. If there were any who would value his opinion when he was gone from amongst them, he now left it behind him as his solemn and deliberate declaration, that no lawyer on earth could prove, that according to any known principle of law the surplus in question could be appropriated to any other than Church purposes.

The Duke of *Richmond* felt it his duty to address a few observations to their Lordships, though he had little to add to what had fallen from his late colleagues, who had felt it their duty to take the same course with himself, and especially to what had fallen from his right hon. friend the late Secretary for the Colonies, with whom he entirely agreed in every sentiment and reason which he had advanced. He thought, that as a public man he was not at liberty to relieve himself from the responsibility of office without explaining his reasons fully to the public why he had separated, though with feelings of the deepest regret, from colleagues with whom he had cordially agreed in all those great and liberal measures which fortunately, as he believed, for the country, they had carried into effect. But although he had acted with them upon all other points with the most cordial concurrence, he appealed to them whether he had ever disguised his repugnance to any abandonment of those principles which he thought were involved in the appointment of this Commission. The present was not the first time he had expressed his opinion on the subject. On the different debates upon the Catholic question he had fully and freely expressed his opinion. He had expressed apprehensions of the ultimate views and probable effects of agitation in Ireland. He expressed his apprehension that the establishment of a Catholic in the room of a Protestant Church was contemplated by those who were urging changes which he thought dangerous to the well-being of the State. He confessed these apprehensions were not yet wholly removed—even notwithstanding the confidence which he reposed in the noble Earl at the head of the Government; and he believed, that no man could be more anxious than was that noble Lord for the protection of the Protestant Church Establishment. But he differed, differed completely, from that noble Earl in supposing, that the surplus revenue of the Church could be devoted to secular purposes. It was wrong in principle to suppose so; and as it was wrong in principle, so he believed, if carried into practice, it would be found most detrimental in its effects. When he considered the state of agitation in Ireland, what it had already effected, and the objects at which it aimed, he feared much, that if the principle of appropriation were recognised, it would be found to lead to no other result than a Catholic Church establishment. In considering the state of the Catholic religion in Ireland, many difficulties presented themselves, and he confessed, that he was one of those who believed, that in the payment of the Catholic Church was to be found part of the remedy for those evils. He was well aware, that in so saying he was opposed to the opinions of noble Lords opposite, but he might at least claim credit for the utmost sincerity and purity of motive in entertaining the opinion to which he had just given expression. He feared if the House sanctioned the principle which appeared to be recognised in the issuing of the Commission, they would establish a precedent pregnant with the most fatal consequences. If at any time of popular excitement or national distress it was urged upon the Government, that the public taxes ought to be reduced, what was it likely would take place in the House of Commons? Would it not be urged that the principle established by the precedent proposed by the Commission ought to be acted upon, and that the Government ought to draw upon the revenues of the Church to meet the real or pretended exigences of the State? The recognition of the principle of a different appropriation would be, in his mind, but setting a premium upon agitation. He did not mean to deny, that there were abuses in the Church, and that these abuses ought to be corrected; but in making that admission he should at the same time protest against alienating the property of the Church. He had no objection to inquiry, if the object of the inquiry were to correct—not to destroy; if it were to extend the influence and the usefulness of the Protestant Church in England and Ireland. Having said thus much upon the general question, their Lordships would permit him to observe, that he only came to the determination of quitting office from a sense of duty. By no feeling of a personal nature had he been induced to quit the immediate service of a sovereign from whom he had received every mark of kindness, or to cease acting in immediate concert with colleagues, in co-operating with whom he had always felt the greatest satisfaction. Nor yet could it be thought, that in resigning, his object was the attainment of a popularity, much more likely to be compassed by remaining in, than by retiring from office. He trusted that his noble friend would not sacrifice those large claims which he at present possessed upon his good opinion; and however obliged to differ upon a question of great public importance, that difference would not, he trusted, interrupt the progress of private friendship.

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* Quoted from a newspaper.

The Archbishop of *Canterbury* said, that in proportion to the satisfaction and confidence with which he had often heard the noble Earl at the head of the Government express his attachment to the Church upon other occasions, was the regret and surprise he had felt at what he had heard fall from him that evening. He had always felt a confidence in the noble Earl, which led him to conclude that, whatever he might say, he would never forfeit his word. The feelings under which he now laboured he could only attribute to some mistake or misunderstanding, which they knew might always take place in explanations of this nature. He had still no doubt that it was the intention and wish of the noble Earl to save as much as he could of the Protestant Church in Ireland; but he totally disagreed with the noble Earl as to the measures by which he now proposed to accomplish that object. In respect to the assertion of the principle of appropriation of Church property to the purposes of the State, which the noble Earl had thought proper to combine with the appointment of this Commission, he could see in it nothing less than the utter subversion of the Irish Protestant Church. What other hope the noble Earl could build upon it he was at a loss to conceive. To be sure on every occasion when former concessions had been made they had heard that the way to strengthen the Church was to give up so much as would make the people satisfied; that was, that they should satisfy the enemies of the Church, who wished for nothing short of her destruction. But surely the time was come when the House and the country should begin to reflect, that every one of these prophecies of the good that was to arise from conciliation had been entirely falsified by the result. These measures had gone on until that of last year was introduced, underan understanding, which he had certainly taken in the clearest sense, that it should be a final one. But now it appeared that, after the clergy had been exposed to every danger—after they had lost their revenues—after they had suffered the extreme privations of indigence,—they were now again to submit to the examination of this Commission; and if any surplus remained, their revenues were to be appropriated to other purposes. The noble Earl had made a distinction between the two Churches in favour of the Church in England, and had said, that such a measure could not be applied to the latter. He admitted, that the situation and the circumstances of the two Churches were different; he admitted there could be no question that the circumstances of the two countries were so different as to admit of a different regulation of the two Churches. That he admitted, and he thought it a proposition which none would be found to deny. But it did not follow, that one was to be destroyed, and the other preserved, or that any material difference could be made in the principles upon which they were to be upheld. What, he would ask, was the object of uniting the Churches at the Union, but that of making each an integral part of one whole? When all the Bills relating to the Church in Ireland which had ever passed were brought in, the maintenance of this indissoluble Union was always an avowed object. He therefore, could not see violence done to the Church in Ireland, without feeling that the Church in England was affected by it. He should, therefore, deem it to be his duty, as far as his endeavours could go, to oppose such a measure, and to make his strongest protestations against it, whether the measure was likely hereafter to be applied to the English Church or not. He believed, that the clergy of the Church in Ireland had done their duty, and he felt it to be a solemn duty he owed to that portion of the Church to resist its oppression; and whatever might happen to him, he never would be a silent spectator of its ruin. But he could not suppose, that the career of subversion, when once entered upon, was to stop there. It must go on. He thought, that the principles upon which the noble Earl meant to act with respect to the Church, had been avowed in this measure and in his speech of that night; and it was clear to him that when the Church in Ireland had fallen a victim to those principles, the Church in England must inevitably be sacrificed.

The Earl of *Winchilsea* observed, that there could be no doubt, that the readiness of his Majesty's Ministers to give way to what was called "the spirit of the age," without reference to principle, showed them to be men who did not know what principle meant; and it was plainly on that account that the two noble Lords opposite had quitted them. The noble Earl at the head of the Government had admitted the necessity that they should now give way to clamour from without, and, having once made that admission, he must go forward in the course he had begun. It was in vain to say, that the Commission was not founded upon the principles declared by the individual who brought forward the recent motion in another place. In the debate upon that Motion it was stated by certain members of his Majesty's Government, that if the mover really wanted to forward his object, there could be nothing better calculated for it than the Commission they had issued. What, then, was that object? It was to take into consideration what proportion of its property would be sufficient to maintain a clergy equal to the numbers of the Protestants in Ireland, and that the rest should be at the disposal of the country for secular purposes. Grant that principle, and where could they stand until the whole fabric of the Church was surrendered to the Roman Catholics? He had accused the noble Earl before, and he was now convinced, that he had done so justly, with intending to make Ireland a Roman Catholic country. He had said, when the Act of last year was proposed, that it would lead to the persecution of the Protestant clergy. It had produced a persecution which had already been sealed with the blood of Protestant clergymen, and which had driven thousands and tens of thousands of Protestants from their native soil. Were these the measures which the Church had a right to expect at the hands of Ministers? As a Christian Legislature, they were bound to take a far different course; and if they had long ago, acting as became a Christian Legislature, done justice to Ireland, and given her that foundation without which no religion could exist (he meant a religious education in the principles of Protestantism,) that country would before this have been a Protestant country. He hoped the time was come when a temporising policy would be pursued no longer. He appealed to their Lordships, and called upon them never again to sacrifice the principles which they held dear, to meet any views of expediency, or to bow to any intimidation, but, proudly and justly relying on their consciousness of doing what was right, prove themselves worthy of their situation, and of that respect which their countrymen would not fail, sooner or later, to bestow upon their conduct. No man could now shut his eyes to the danger which surrounded them, for the noble Earl had appealed to the worst passions, and encouraged the worst desires of their enemies. Were they, then, to stand unmoved, and see that Church destroyed which had been the foundation of all the blessings which flowed from the hand of Almighty God, and which had made us a nation of the happiest and the greatest people that ever existed on the earth? They were all now called upon to answer that appeal; and he declared solemnly, before that power, in whose presence he now stood, that he would not be a passive observer of the destruction of that religion, and that he was prepared to surrender in its defence all the ties that held him to earth. Such he prayed and trusted would be the feeling of his countrymen; and he believed that the noble Earl would now find a spirit rising up in the country, which would carry all before it, and render his designs utterly impracticable. The noble Earl had asked why his opponents did not bring forward a motion, or take some distinct measures for turning him and his colleagues out of their offices. The noble Earl would perhaps have that desire gratified before long. The feeling of the country could not long be resisted, now it was known that the Sovereign was pressed to the violation of his sacred oath and of his conscientious sense of what was right. That oath bound the Sovereign to maintain the Church in all its rights; and there could be no doubt that, now Ministers had spoken out as to what their intentions were, the feelings of the Sovereign would find universal sympathy in the breasts of a people who equally felt the blessings and the obligations which their religion conferred. He felt confident, that a flame was now breaking out in the country, and he at least would do all he could to fan and feed it. By agitation they had lost much—by agitation he would now endeavour to save what remained. He would again do all in his power to call forth, as he did upon a former occasion, that spirit of Protestantism in the county to which he belonged, which he knew would never be extinguished, and he would do the same throughout England as far as lay in his power. He would call, too, upon the Protestants of Ireland, and ask them to consider what they had at stake. He would ask them to reflect why it was, that the two parts of Ireland were so different—why it was, that in one portion of the country they had peace and content, and in another raging crime and misery. Why, but that in the one they had the blessing of the true religion, and in the other the dominion of a priesthood? He called upon the wealthy Protestants of Ireland to face the danger, and not to leave their poorer brethren unprotected who were unable to quit the country. He called upon them, by all they owed to their country and their God, to stand upon the defence of their dearest rights, and resist to the uttermost the measures which the Government had announced. He most cordially supported the noble Earl in the Motion he had now made, and he would support every measure tending to awaken the feelings of the country upon this all-important topic. The noble Earl concluded by saying, that the noble Duke and his noble and right hon. colleagues who had retired from office had not only acted with great moral courage, but deserved well of their country for the bold and manly course they had taken. Instead of having rendered themselves unpopular by their honest and independent conduct, they had placed themselves on a proud eminence; and they might depend upon it, that they would not only receive the cordial support of the great body of Protestants, but that every man of worth and influence in the country would rally round them.

The Bishop of *London* said, their Lordships would recollect a measure was proposed in the last Session affecting deeply the interests of the Irish Church. To that measure he had strong objections, yet he consented to its being carried, notwithstanding those objections, because, after inquiry, it appeared to him to be the only chance the Church of Ireland had of being preserved. At that time it was represented, that the Irish Church was in the utmost danger. The alarm respecting it was very great; but still he would not have consented to the measure of last Session, even if the very existence of the Irish Church was in actual jeopardy, had he not been assured by noble Lords connected with his Majesty's Government—had he not had reason to believe, from what they had stated to him—that that was intended to be a final measure. He felt bound to avail himself of that opportunity to protest against the doctrine which had been broached, that Church property might be alienated to objects foreign to ecclesiastical purposes; and he also felt bound to state, that it was repeatedly declared that the measure to which he alluded was required to settle all further agitation of that question. This declaration was made in both Houses of Parliament in the most emphatic and forcible manner, by members of the Government; and had no such assurance been given, nothing could have induced him to give the measure his support. The machinery of that Bill had scarcely as yet been called into operation; and was it not monstrous that before the experiment had been tried—before the Church could feel its advantage—before the people of Ireland had an opportunity of seeing whether it worked well or ill, the whole measure was to be virtually upset by the appointment of a Commission that could not be supposed to entertain feelings very favourable to the subject respecting which inquiry was to be made. Before any fresh step was taken, surely a reasonable time ought to be allowed for trying the experiment of the measure of last Session. If this Commission were sent forth, it was impossible that any such experiment could be made, and, for the reason that the inquiry to be prosecuted by the Commissioners would disturb and agitate every parish in Ireland. With respect to the object for which this Commission was to be appointed, he was prepared to assert, that abundant information respecting the Church and its revenues would be found in the Reports of the various Commissioners that had sat upon the subject. No new information could be gained by the proposed inquiry, and he could not see any object for appointing another Commission, unless, indeed, it was for the express purpose of paving the way for a proposition against which he must protest in the outset, namely, a proposition for alienating Church property to secular purposes. He would not say, that the Church of Ireland did not possess a larger revenue than its wants required; but he did think, that the course now pursued was eminently calculated to hold out an inducement to influential persons of another persuasion in Ireland to use every endeavour in their power to diminish the revenues of the Established Church, in the hope that the surplus would be transferred to the maintenance of the Roman Catholic religion. Such a principle of alienation, however, was not justified by the principles of the Constitution; and, if ever an attempt was made to carry that principle into effect, he, for one, should feel it his duty to give it every species of resistance in his power. He could not have been satisfied in his conscience if he had omitted to make this declaration; and he must say, that he had experienced the utmost disappointment at the course which the Government had taken; and the more so, because he had consented to the passing of the measure of last Session, in consequence of the confidence which the assurances he had received, that it was to be a final measure, inspired.

The Earl of *Harewood* said, that, as far as he could collect from what had fallen from the noble Earl at the head of his Majesty's Government, the only declaration he understood him to make was, that no part of the surplus revenue of the Church of Ireland should go to the Roman Catholics. He so understood the noble Earl. Well, then, their Lordships were to understand, at least he understood it so, that no part of the funds belonging to the Established Church were to go to the Roman Catholics; but, beyond this, they were furnished with no intimation whatever how those funds were intended to be applied. Excepting that the Roman Catholics were to have no part of it, that House and the country were left in the dark as to the destination of the surplus fund. It should not be forgotten, however, that if the principle upon which this Commission were established could be applied successfully to Ireland, the doors for its introduction into England would be opened. It was true, that the Roman Catholics of Ireland bore no comparison in point of numbers to the Protestants of this country; but still, if the door was once opened for the admission of this principle into England, there would be no means of resisting it. Now, he had been told, this Commission was a mighty good thing—that it was an act which had been long contemplated and maturely considered; but the noble Lords on the other side of the House would excuse him for declaring, that he did not believe one word of the statement made by the noble Earl. He would give his reason for making this assertion. The noble Earl said, that the appointment of such a Commission had been recommended by the noble Marquess at the head of the Irish Government, the Lord-lieutenant of Ireland, so far back as January last; but when did the proposition come forward? Why, not until the night of Mr. Ward's Motion. That being the case, were there not strong grounds for suspecting that so crude and immatured a plan was the result of the emergency, and that it was put forward to answer a temporary purpose which could not otherwise be met? It was painful to him, as an individual, to sit in that House daily, and see the petitions of the people disregarded. Innumerable petitions were daily placed upon their Lordships' Table, praying, that protection might be extended to the Church; and such a circumstance clearly proved to his mind, that the Protestants of England more than suspected the honesty of the intentions of those by whom the country was governed towards that Church. He had himself heard noble Lords in that House make speeches in defence of the Church. He had heard them declare, that they would stand by the Church—that they would resist any attempt that might be made to separate Church and State; but he would ask their Lordships, whether any confidence could be placed in such declarations, or if those who gave them utterance could have done so in the sincerity of truth? They must all recollect, that, at the opening of the present Session, the King, in the Speech he made from the Throne, expressly declared, that the union between Church and State should be preserved inviolate, and that the Protestant religion should be upheld. These were the sentiments that proceeded from the lips of his Majesty on opening the Parliament; and, with such a declaration before them, would any man have the boldness to assert that, at that moment, a period subsequent to January, the Government had the issuing of a Commission like this in contemplation? At that time, it was evident, that no intention existed to take from the Church its surplus revenues, and apply them to other than Church purposes. [Earl *Grey*: The King's Speech had nothing to do with the present discussion.] What! did the noble Earl really think, that the King's Speech had nothing to do with a subject so deeply affecting the stability of the Established Church as the issuing of such a Commission? He (the Earl of Harewood) asserted, that this was the first instance in which the threatening aspect of external circumstances had pressed the Government of this country to bring forward a crude and ill-digested plan, and he hoped it would be the last. He had only a word or two more to say. He was far from wishing, that their Lordships' House should be brought into collision with the other branch of the Legislature; on the contrary, he was desirous to avoid any thing that was likely to produce such an effect. It so happened, however, that the collision of their Lordships with the other House of Parliament was frequently found to be useful, and this was exemplified in the notice which the noble Earl had given relative to a Bill which had been passed by the House of Commons, and the further progress of which he desired to stop, notwithstanding it had received the sanction of the other branch of the Legislature. Here, then, was an instance in which they were absolutely called upon to come into collision with the House of Commons; and if a necessity for such a course existed in a matter of minor interest, why should it not also exist in a matter of the last importance? There was, he firmly believed, a strong feeling throughout the country in favour of preserving the Union between Church and State; but, whether that were so or not, there could be no denying, that there was a strong suspicion, that the Government were not to be confided in when the people felt themselves called upon to petition that House, that their Lordships would not consent to any measure that could tend to the destruction of the Church Establishment. If there really were need of passing measures relative to the Church, why were not those measures brought forward in the ordinary way? Instead of issuing a Commission of Inquiry, why had not a Bill been introduced? He could assure his Majesty's Government, that the course which they had pursued, instead of satisfying the public, would only be productive of irritation, jealousy, and ill-blood throughout the country.

The Earl of *Limerick* was understood to say, that it was not more necessary to preserve the connection existing between this country and Ireland, than it was to maintain the Union between Church and State. He was convinced, that any interference with the Irish Church; would ultimately lead to not only a dissolution of the Union, but to a separation of the two countries; and, therefore, it was, that he deprecated the line of conduct which his Majesty's Government had adopted. But the noble Earl had told them, that there must be a move, that things could not rest as they were, and, in proof of this, he adduced the epoch of Napoleon Bonaparte as an authority. No doubt such an authority had weight in the mind of the noble Earl, but the lot of that unhappy great man would prevent his authority from finding favour in the sight of any other Member of their Lordships' House. He entirely agreed in the sentiments which had been expressed against the Commission, by his right reverend and noble friends.

The Marquess of *Westmeath* deprecated the interference on the part of the Government, with the Irish Church, and said, that it could only lead to consequences that must be fatal to the tranquillity of that country. He would yield to no one in a knowledge of Ireland, or the secret springs that were at work in that country. He was perfectly aware, that many of the Irish Roman Catholics were not only well-disposed towards, but anxious to uphold the Church Establishment. When, however, they consulted their priests, what was said to them? They were told,—"Don't you see a Commission of Inquiry is about to be appointed on the subject of the revenues of the Church, and, that being the case, you had better leave the rest to us." They were then told, that they need not pay the demands which the clergy had upon them, and such he affirmed was the practical effect in Ireland of the measures now, or lately, proposed. It was said, that the noble Marquess, at the head of the Irish Government, had recommended the issuing of this Commission; but although he entertained the highest opinion of the honour and integrity of the noble Marquess, and firmly believed, that his only desire was to do good for Ireland, yet, to the opinion of that noble Marquess, nor to that of any one else, in the present instance, could he sacrifice his own judgment. It was his unalterable conviction, that, instead of producing good, this step could only create evil. He made this assertion from no feeling of an acrimonious nature towards the Ministers, who, he was satisfied, would be egregiously disappointed in the effects of their measure.

The Marquess of *Clanricarde* approved of the course which it was the intention of his Majesty's Government to pursue. Noble Lords opposite assumed, because a Commission of Inquiry was to be appointed, that it must follow as a matter of course, that the advice which the Commissioners might give would necessarily be adopted. Now, he for one, must say, that he would pledge himself to nothing of the kind. The Commission was appointed to collect information; and when the result of the labours of that Commission was before them, they would, of course, deal with it as they should think fit. He denied, that they had not a right to appropriate Church property to other than ecclesiastical purposes; and, in this opinion, he was justified by the admission of Sir Robert Peel, that a portion of the surplus revenues of the Church might be applied in the maintenance of schools. It was, however, a matter of doubt, whether, in point of fact, there was any surplus; but, if there were, he should like to know how it was to be disposed of, if not to secular purposes. The enormous wealth of the Established Church, as compared with other churches, hindered, rather than promoted, the propagation of religion; and, although he said this, he would assert, that he and those who thought as he did, were as good Protestants as the noble Lords who sat at the other side of the House, and just as anxious to see that religion properly maintained. But they were now addressing themselves to the temporalities of the Church, and not to its spiritual affairs. It was alone with the temporalities of the Church that they had to deal. The Protestant population of Ireland did not exceed 800,000; and yet no less a sum than 900,000*l.* was annually paid to keep up the Established Church of that country, while the small sum of 14,000*l.* was all that the State was called on to pay for the spiritual instruction of 600,000 Presbyterians. But this was not all. Since the Union, upwards of 500,000*l.* had been expended in building churches; and, although the clergy were bound, out of their incomes, to provide schools, only fourteen diocesan schools, he believed, now existed. These were grounds, he contended, which called for inquiry; and, when every person who had given evidence on the subject, concurred in stating, that the Church was mixed up in all the grievances complained of in Ireland, the necessity for such an investigation must be the more manifest. In any measure that was adopted, the interest of the present clergy would, no doubt, be preserved—at all events for their lives; and, if this were done, he thought all that justice required would be obtained, even though the surplus of the revenues of the Church might be devoted to other than ecclesiastical purposes. It was stated, that those revenues were not so large as was generally supposed, and surely, if such were the case, the fact ought to be ascertained, in order to do away with the impression that existed in the public mind.

The Bishop of *Exeter* said, that the noble Marquess had stated, that it was necessary to inquire into the facts before acting, and that, therefore, the Commission proposed to be instituted was necessary. Now, he would remind the noble Marquess, that there was already a Commission of Ecclesiastical Inquiry in operation in Ireland, and they heard, from the statement of a noble and learned Lord, not now present (Lord Plunkett), and who was on that Commission, that, as regarded one province of Ireland at least, the results of that Commission were likely to be exceedingly important. The noble Marquess had also asserted, that he, too, never heard any one speak of the wealth of the Church in Ireland except as enormous. [The Marquess of *Clanricarde:* As compared with that of other churches.] Even thus corrected, he could not help feeling astonished at the assertion, for he had, last year, through the courtesy of the other House of Parliament, heard the leading Minister of the Crown, in that House, declare, that on no subject whatever did such gross exaggerations prevail as relative to the wealth of the Church of Ireland. The noble Lord added, that he had himself shared in the prevailing error till an examination of the facts convinced him of its groundlessness; for that the property belonging to that Church was by no means exorbitant. The noble Marquess had also remarked upon, what he was pleased to call, the violation of the duty imposed upon the parochial clergy of Ireland, by an ancient Act of Parliament, with respect to providing education for the people. He must confess, that he was no less astonished at this than at the former assertion of the noble Marquess; for, he could hardly have supposed, that a noble Lord, distinguished for his acuteness, for accuracy of observation, and for the extent of his memory, like the noble Marquess, could have forgotten that this complaint had been embodied, for some years, into the standard grievances urged against the Church of Ireland, and it was only laid aside because it was exploded and discovered to want foundation. The noble Marquess had stated, and no doubt accurately, that it was by a Statute of King Henry 8th, that the parochial clergy of Ireland were assessed to the tenths, and were bound to see that a school was maintained in every parish, not out of their own funds, as the noble Marquess supposed. [The Marquess of *Clanricarde:* I spoke of the diocesan schools.] The object of the Statute to which he alluded was, that the parochial clergy assessed to the tenths in Ireland should be bound to see, that a school was provided for the education of the children of their parishioners; but there was this further provision in the Act, that they should not charge more for the instruction given to these schools than the ordinary price. This was a very different thing from the parochial clergy of Ireland being bound to maintain a system of education at their own cost. Having said thus much with respect to what had fallen from the noble Marquess, he would take the liberty of saying a few words upon the important subject now under discussion; he meant the principle embodied in the Commission which his Majesty's Ministers had advised the King to issue. That Commission was avowedly issued by the noble Earl at the head of the Government, on the principle, that the property of the Church was held by a different tenure from other property; not only so, but that it might be dealt with by Parliament on very different grounds from other property; that it might be assailed in cases and under circumstances which would not justify assailing private property. To be sure the noble Lord did not deliver this as his deduction of right, but as the deduction of the spirit of the times. Now, whatever that might be, they knew, not only from the professions of the noble Earl, but from his conduct, that he understood the spirit of the times to be very different one year from what it was the next. The noble Earl now told their Lordships, that whatever the spirit of the times deemed too much for the Church of Ireland was to be cut off. [Earl *Grey:* I said no such thing.] He did not pretend to quote the precise words of the noble Earl, but that was the sense of his argument; but, if he were wrong, the noble Earl could correct him in due season. He contended, that the argument of the noble Earl was, that all legislators, but particularly that House, should be prepared to act up to the spirit of the times; and that it was in consequence of the spirit of the times that he had advised the issuing of the Commission which was to be laid upon their Lordships' Table. This Commission was to ascertain, among other things, the amount of the wealth of the Church of Ireland; and, according to the principle of the noble Earl, whatever the spirit of the times should deem sufficient, was to be the measure of its supply. He would not occupy their Lordships' attention further, at that late hour of the night, by any discussion of that point in language of his own; but would borrow that of a noble and learned Lord whose absence he had already regretted, and who, he should have thought, it would have been particularly desirable to consult on a question relating to the Church of Ireland—he meant the Chancellor of Ireland. He held in his hand a record of what had been uttered by the noble and learned Lord, on an occasion exactly similar to that under the consideration of the other House of Parliament a few nights ago; for they must recollect that, as there was nothing new under the sun, so even the vagaries of liberalism were not permitted to be distinguished by much novelty; the novelty was only in the way in which these vagaries were received. Ten years ago an exactly similar Motion was made in the House of Commons as was made the other night; and, on that occasion, the noble and learned Lord High Chancellor of Ireland, then Attorney-General for Ireland, said, "That the property of the Church might not be interfered with as well as other property in the State, in a case of public necessity, he would not assert." Perhaps the noble Earl thought, that a case of public necessity had arrived; but let him and the House listen to what the noble and learned Chancellor of Ireland proceeded to say, "But it ought to be observed that, on the same principle, the property of every man in the kingdom was equally liable." That noble Lord then maintained, "That the property of the Church was as sacred as any other." "If they began with the Church (he said) let the landholder look to himself.*" He really thought that these words, as might have been expected from words coming from such high authority, deserved the serious attention of all the noble persons around him, and not least, certainly, the attention of the noble persons who were members of his Majesty's Government, and, as such, had advised the issuing of this Commission. Perhaps he should be forgiven if he took the liberty of saying, that it was particularly worthy of the attention of the noble Marquess at the head of his Majesty's Counsels in Ireland, from his very great possessions — and greater they could not be than he would know well how to use for the purposes of benefiting his country, and conferring honour on himself, though they must weigh down in amount the whole clerical income of some of the diocesses in the country from which his wealth arose.—He would do well to take the warning given him by the noble and learned Lord Chancellor of Ireland, in the speech he had just quoted. He need not remind the noble Marquess or their Lordships, that the great estates which the noble Marquess held, he held under the Act of Settlement of Property in Ireland. That Act of Settlement was founded upon the declaration of Charles 2nd—a declaration which did, unlike most of that Monarch's conduct, honour to him who made it, and which deserved to be borne in mind by every man who, by the will of God, sat upon the throne which that Monarch so unworthily filled—"that he owed it as a testimony of humble gratitude to Almighty God for restoring him and his people to the happiness of the established and ancient monarchy of this country, at a time when to all human observation, such a restoration was hopeless." Therefore it was, that he endowed not only the noble Marquess, but the Church. Further, being determined to carry into effect the pious directions of his murdered father, which were, to increase the income of the Church in Ireland, these last endowments that Monarch placed upon the altars of the King of Kings, they were devout acts of gratitude to God. "Touch them if you will," said the right rev. Prelate; "touch them if you dare; but, if you dare, may God not visit upon you his curse for the sacrilege, and upon the unhappy people consigned to your misrule!" The noble Earl at the head of the Government had made one appeal to their Lordships, which he had hoped would have been answered by some noble Lord on the other side of the House; but, as it had not been answered, he trusted he should be forgiven, if he presumed to attempt it. The noble Earl said, that if this Commission had not been issued, the Resolution moved in the House of Commons would have been carried. And then he said, that his Majesty's present Ministers must have resigned; a new Administration must have been formed; an Address to the Crown, framed upon Mr. Ward's resolution, would have been presented; and what, asked the noble Earl, would have been the answer such an Administration would have undertaken to advise the Crown to give? Let their Lordships see what that Address would have been? It must have been founded on the Motion of the hon. Gentleman, as it was given in the votes of the House of Commons on the Table. It ran thus:—"That the Protestant Episcopal Establishment in Ireland exceeds the spiritual wants of the Protestant population; and that, it being the right of the State to regulate the distribution of Church property in such manner as Parliament may determine, it is the opinion of this House, that the temporal possessions of the Church of Ireland, as now established by law, ought to be reduced." "It is obvious (continued the right reverend Prelate) that any answer must not only have confirmed this Address, but have called upon his Majesty to carry it into effect. Then comes the question, what answer would any noble Lord opposite have advised his Majesty to make? I cannot presume, my Lords, myself in the position of those who may be expected, under any circumstances, to be called to his Majesty's Counsels; but this I will say, that any high-minded, any truly conscientious man, would have found no difficulty whatever in giving his answer, when his Majesty called upon him to advise him on the subject. An honest Privy Councillor, one who remembered the oath he had himself taken, would have told his Sovereign that he had imposed a most painful duty, a duty, however, from which he could not shrink, for the very position in which he stood before his Majesty, as his sworn Councillor, compelled him to discharge it. He would then have addressed him: "Sire, painful, most painful, must it be to a prince who, through his whole reign, has shown but one sentiment of affection for his people, and of regard to the wishes and happiness of that people, as expressed to him through the House of Commons; painful as it must be to such a prince to reject my prayer, coming from that House of Commons, I, as a faithful Councillor of your Majesty, mindful of my own oath, cannot help recollecting the oath that your Majesty has taken. I must tell your Majesty, what I am sure you would yourself tell me if I did not remember it, that as you have sworn that you will preserve all the rights of the clergy and of the Church of England and of Ireland, to the best of your power, you must refuse to assent to the prayer of the House of Commons." Any one of all his Majesty's Councillors, in such a case as is supposed, might perhaps have added, "Some of your Majesty's Councillors have thought that your Majesty stands in a different relation to the oath as a Legislator, and as a member of the executive government; but we are bound not to conceal from your Majesty, that all the nicety and subtlety, be it well founded or not, does not apply in the present instance; for your Majesty is not now called upon to assent to an Act passed by the two Houses of Parliament, and which will become the law of the land on your giving it your assent, in your legislative capacity; but you are applied to in your executive capacity, about which the most liberal construers of oaths have never yet raised the shadow of a shade of a doubt, to do that which is in direct violation of your oath. To the plain meaning of that oath your Majesty is bound to your God to adhere, and, at whatever hazard, even to your throne, you must remember what you owe to your God." That, my Lords, I venture to say, would be the answer of any one of the noble Lords who sit on the other side of the House, if called upon by his Majesty to give an answer to such an Address, founded on such a resolution. But the House of Commons who could approach the Throne with such an Address, would not be, in the language of the law, "the Commons of England," that is, the Representatives of the people of England, for the people of England are not prepared to laugh to scorn the obligations of their Sovereign's oath—they are not prepared to trample on that religion which they have always considered as their comfort and happiness in this world, their hope in the world to come. As to the spirit of the age, is the noble Earl so slow in marking the changes of that spirit, as not to have observed some indications, even within the last week, that the spirit of the age will, ere long, be far different from what it was when he advised his Sovereign to sign this Commission? My Lords, there has been raised a feeling of determined resolution, on the part of the people, to meet as they ought the noble declaration of our Sovereign, which is yet sounding in their ears, as it will be for ever impressed upon their hearts, that it is his firm determination to "maintain the religion and the rights of the Church of England and of Ireland."

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* Hansard (new series) xi. p. 571-572.

The Earl of *Radnor* said, he had not intended to address one word to their Lordships, but he could not avoid doing so after the speech of the right reverend Prelate who had just sat down, the more especially as in that speech the right reverend Prelate had frequently used the name of God, and in the same instance almost, had called for imprecations upon those who differed from his views. The Government of the country, he apprehended, was for the good of the country, and that end it could not answer unless it gave satisfaction to the country. Now he contended, that to give satisfaction, the Government must attend to and follow the spirit of the times. Such, indeed, had ever been the principle upon which beneficial and satisfactory Governments had acted. He would ask, had not there been many alterations already with respect to the Church, which were conceded in consequence of the spirit of the times? How came it that the Scriptures were now read without note or comment? Why, in obedience to the spirit of the times. How came it that pluralities were denounced as one of the worst corruptions or blemishes in the condition of the Church? Why, through the spirit of the times. But a few years ago, if any one had declared that pluralities were a corruption or an evil, a cry of horror would have been raised, and yet, within these few months, he had heard the right reverend Prelate himself make a declaration to that effect.

It was impossible to disregard the spirit of the times. Why, he had read in a book written by the right reverend Prelate, a letter to the late Mr. Canning, in which the right reverend Prelate said, he would not suggest even the possibility of Mr. Canning being so base as to recommend his Sovereign to break his Coronation Oath by sanctioning further concessions to the Roman Catholics; and yet their Lordships had lived to see the day when the right reverend Prelate accepted of his present dignity at the recommendation of the very Minister who had done that which he had said he could not even suggest that Mr. Canning would be base enough to do. Even in private affairs, men were not able to disregard the spirit of the times, and to do so in public affairs was utterly impossible. The right reverend Prelate had given a specimen to their Lordships of the sort of advice which he, if he were a Privy Councillor, would offer to his Majesty upon the subject of this Commission, and he had said much about the breach of his Coronation Oath, which his Majesty had committed, or would commit, in case he were to assent to this Commission. Did the right reverend Prelate mean to say, that by granting that Commission his Majesty had committed a breach of his Oath?

The Bishop of *Exeter* explained, that his meaning was, if the King were to assent to such an address as the noble Earl (Earl Grey) had described would have been the result of the affirmation by the Lower House of the resolutions put before them, his Majesty would thereby be guilty of a breach of his Oath.

The Earl of *Radnor* saw no difference in what he had attributed to the right reverend Prelate, and what the right reverend Prelate admitted he had said, but he could not allow that in any way the Coronation Oath would be violated by a concurrence in the proceeding supposed. This Commission was not to take away any of the property of the Church, but simply and solely to inquire into the state of the Church. Was it improper, that the Sovereign, as the head of the Church, should be informed of the state of the Church? Was it improper, that the country should be accurately informed as to the state of the Church? Surely not; and yet that was the sole object of the Commission which had been so violently attacked. He admitted, that the Commission might be the forerunner of other events. But, supposing it was found upon inquiry, that some alterations in the present arrangement were absolutely necessary for the preservation of the Church, would it be said that the possibility of such a result ought to prevent the Commission? But then the right reverend Prelate had touched upon the subject in this way: he had reminded their Lordships that if they touched the property of the Church, their own property might not continue untouched, so that the argument addressed to the House was, to induce it to preserve the property of the Church only as a security for its own property. But he denied, that Church property and private property stood upon the same footing. Church property was held under a trust for the public good, and was to be devoted to the public good; while private property was liable to be used as its possessor pleased, so that he did not violate the law. To say, therefore, that the Legislature was not competent to deal with Church property, was to say that the Legislature was not a judge of the public good; and that was a position he could never concur in. He should not be more desirous than any noble Lord to sacrifice his own property for the good of the public, but to say, that he would not do so, would be to say, that he would not submit to taxation, or to any restriction. He would only further say that, in his opinion, the speech of the right reverend Prelate was far more calculated to bring the Church into contempt, and to do it injury, than was the Commission of which that speech so much complained.

The Bishop of *Exeter* explained. The noble Earl had completely misrepresented both what he had stated, and what he had written. He had uttered no imprecation against any person. On the contrary, he had expressed an earnest belief, that no one would render himself liable to the imprecations denounced against sacrilege. Then the noble Earl had stated, that in a book he had written, he had declared that a Minister who advised the Crown to grant Roman Catholic emancipation advised the Crown to a breach of the Coronation Oath. He positively denied that assertion. He had never written, he had never said, he had never thought, any such thing, and he defied the noble Earl to quote the words he attributed to him.

The Marquess of *Lansdown* cordially

concurred in every sentiment that had fallen from the noble Earl at the head of his Majesty's Government, and, therefore, he should not have felt it necessary to address one word to their Lordships, had he not been particularly alluded to—certainly with the utmost courtesy—both by a right reverend Prelate (the Bishop of Exeter) and the noble Earl who had introduced the subject. Having been so alluded to, however, he would briefly state the question and the grounds upon which he had felt it to be his duty to concur in recommending to his Sovereign to issue the Commission which had led to this discussion. In so doing, he doubted not that he should be able to show, that his leading object had been the maintenance of the Church, and that he had acted in the only way calculated to effect that end. As had been already stated, the Commission was one of inquiry into facts, and not into opinions. But they had been told that such an inquiry was unnecessary. He was at a loss to conceive how that assertion could be justified. Every person who had addressed himself to the subject of the Church in Ireland, whether in either House of Parliament or elsewhere, even the most reverend Prelate (the Archbishop of Canterbury), had admitted that there were circumstances peculiar to Ireland, with reference to the Church Establishment in that country, which required peculiar regulation; that was, a regulation different from that which was necessary with respect to the Church in England. If such, then, were the case, could it be denied that it was desirable, indeed requisite, for the safety of the Church, to deal with those peculiarities? And how could that be done, unless they were fully and accurately ascertained? To ascertain them he could conceive no more fitting course than that adopted. Respecting the object and the purposes of the Commission, the most extravagant notions had been elsewhere expressed. It was not a Commission of Inquiry as to the revenues of the Church, but as to the duties required from the Church, and the manner in which those duties were discharged. He knew that, with respect to the latter points as well as to the former, the revenues of the Church in Ireland, there had been much exaggeration; but he had yet to learn any one subject, such was the unhappy state of Ireland, in which there was not exaggeration in respect to that country. Even within the last forty-eight hours, the most contradictory statements upon this very subject had been put forth, and that by parties from whom correct information might have been expected; and therefore it was, that he held it only to be consistent with sound principles of legislation to inquire as accurately as might be into the real state of the subject before any measure of legislation was entertained. The noble Earl, who had introduced the discussion, had thought proper to assume, that the object of this Commission was to lay the basis of an arrangement, with respect to the Church in Ireland, to be regulated solely by its numbers. Against any such principle taken alone he protested. The noble Earl himself, or his noble friend on the cross benches, could not feel a stronger repugnance against acting upon that principle than he did; for he agreed with them in thinking, that it was a bad and a dangerous principle if taken by itself. But, rejecting that principle as a solitary one, would any noble Lord contend, that the amount of duty to be performed by the Church ought not to be an ingredient in any plan for the regulation of that Church? It was, therefore, that he concurred in recommending the appointment of the Commission. The inquiry was necessary, for the most erroneous opinions were entertained as to what were the facts of the case; and he knew of no better way of arriving at the truth. Then, in the wording of the Commission, or in the persons who were to execute it, was there anything objectionable? He had not heard, nor could he conceive, any objection to the wording of the Commission; nor could he anticipate that any fault would be found with those selected to act upon it. Surely, then, a Commission was a proper mode of proceeding. If their Lordships should find, upon further examination, no reason to concur in any plan for altering the arrangement with respect to the Church in Ireland, their position would not at the least be worse, with all the information before them, than it would have been, if called upon, without information, to discuss the question of Church-property, and come to some decision on the subject. Much had been said as to the alienation of the property of the Church. It appeared to have been taken for granted by some, that there would be a surplus revenue over and above what could properly be required for the immediate maintenance of the ministers of the Church of Ireland. Now, he must say, that that was prematurely jumping to a conclusion. There might be found no surplus to appropriate; but, even supposing for an instant, that there should be a surplus, this he would say, and positively, that he would never be a party to the appropriation of that surplus to any purposes not analogous to those for which Church-property was now appropriated. He had thus stated shortly the views which induced him to concur, as he did most cordially, in recommending the issuing of the Commission; and as soon as its inquiries should have been made, he should be prepared to enter fully into the whole question. At the present he was not prepared to do so, for he stood in need of accurate information upon the details of the subject.

The Duke of *Wellington* said, that certainly if inquiry was the object of the persons who had first proposed the Commission, and it was simply to afford inquiry that the noble Marquess who had just sat down had concurred in recommending its appointment, he must say, he knew of no man more difficult to satisfy with inquiry than the noble Marquess. He said that, for he believed that there never was a subject that had been more minutely or more frequently inquired into than the Church in Ireland,—and, even at the present moment, there were Commissions in existence, independent of the one newly issued, which had for their object an inquiry into every parish, and the value of every church living in Ireland. He alluded to the Commissioners under the Tithe Acts. Indeed he might go further and say that, respecting Ireland in general, the inquiries had been most full. Why, they were in truth, as far as inquiry could assist them, better acquainted with the population and the state of society in general in Ireland than they were upon the same points with respect to England, or with respect even to the metropolis in which they were then assembled. But inquiry was not the object of the parties proposing this Commission; and that, he thought, he should be able to show by referring to some of the various documents known to their Lordships. The noble Earl at the head of the Government had thought proper to censure his noble friend (the Earl of Wicklow), because he had felt it to be his duty to bring the subject under discussion, and to use in respect of it the language he had. That censure appeared to him most unreasonable. Why, his noble friend was a Representative of the Irish Peerage; and was he not to protect, as well as he was able, the interests of that body?—and what could be dearer to them than the maintenance and the welfare of the Established Church? And then, respecting the language of his noble friend, the noble Earl had thought proper to taunt his noble friend, and to tell him that, if he were sincere in his expressions, he ought to make some substantive motion censuring the conduct of the Ministry—that he ought, in fact, to move an Address to the Crown for their removal. But, having so spoken, the noble Earl, in a very few sentences afterwards, adverted to public opinion and the spirit of the times, and the necessity of bending to that spirit and that opinion. Now, they had heard a great deal about the spirit of the times, both from the noble Earl at the head of the Government and another noble Earl (Radnor); but he (the Duke of Wellington) agreed with the right reverend Prelate (the Bishop of Exeter) in thinking, that the noble Earl had misconstrued the spirit prevailing in the country. But what he wished to know was, if the noble Earl had so much consulted the spirit of the times, why was not his noble friend to have some degree of credit for prudence in avoiding even the chance of collision with public opinion? He (the Duke of Wellington) would do anything consistent with honour and his conscience to avoid collision with the spirit of the times. He avowed that to be the case; and why, if such conduct were meritorious also in the eyes of the noble Earl (Grey), was his noble friend to be taunted because he pursued it? But his noble friend had naturally, and very properly, wished for some account as to the objects of this Commission, and the grounds upon which it had been issued. The noble Earl had answered the inquiry; and certainly there was a considerable difference between his version of the Commission and that given by a noble Lord in another place. He was bound, however, to add, that that difference was by no means so great as to amount to a material variance, or, indeed, to be more than might naturally occur under such circumstances; but he must examine this Commission a little further. The noble Lord, the Chancellor of the Exchequer, who had described it in another place, had spoken of it as a commencement for carrying into execution the Resolution which had been proposed and met with the previous question. Now, it was important that the purport, nay, the very words, of that Resolution should be fully and clearly understood, and, therefore, he would read the Resolution:—"That the Protestant Episcopal Establishment in Ireland exceeds the spiritual wants of the Protestant population; and that, it being the right of the State to regulate the distribution of Church property in such manner as Parliament may determine, it is the opinion of this House that the temporal possessions of the Church of Ireland, as now established by law, ought to be reduced." The duties to be performed by the Commission had been stated by the noble Lord he had already alluded to in great detail; and, begging the noble Marquess's pardon, he must say, that he could not reconcile that detail with the character given of the objects of the Commission by the noble Marquess. According to the statement of the noble Lord, the Chancellor of the Exchequer, the Commission was not merely to inquire as to the duties to be performed and the manner in which those duties were performed by the Established Church, but also to learn the precise number of the followers of the Established Church, and also the number of every religious sect in Ireland; and to compare the one with the other, for the purpose of ascertaining what proportion, in numerical strength, the one bore to the other. Could it be said, that such an inquiry was necessary to enable the just regulation of the distribution of the revenues of the Established Church? No such thing. It necessarily suggested, and must be intended as a preliminary to a distribution of the property of that Church amongst all the sects. And then it was said, that this was not a subterfuge—that this measure had long been thought of, and had not been adopted merely to escape a difficulty that would have pressed more immediately. Really he thought that, on a little investigation, it would be found, that their Lordships ought to know more about the project than would at first appear. For two years the scheme had been in agitation. The first their Lordships had learned anything about it was in consequence of an allusion to a letter written by a late Lord-lieutenant of Ireland to the present Government. When the noble Earl at the head of the Government had been interrogated respecting the existence of such a letter, his reply was, that the Government had received from that noble Marquess no proposition of the kind. [Earl *Grey* had said, that the Government had received no proposition from his noble friend for the destruction of the Established Church.] Their Lordships would judge whether or not the proposition he alluded to was the proposition for the destruction of the Established Church.—But to proceed. After that letter (with which their Lordships had lately become acquainted) had been under the consideration of the Government, the Church of Ireland Temporalities Bill was brought in, and passed, upon the declaration of the Government, that it was to be a final measure. Now, he wanted to know whether or not that measure was to be a final one? By it the clergy had been reduced to the lowest condition as to revenue. Every bishopric had been taxed, and they had been told, that the Church would be found, after that Bill was passed, in greater security than ever, and relieved from all dread of further molestation. But their Lordships had just been informed that, since the Temporalities Bill had been passed, the proposition which he had before alluded to as coming from a noble Marquess, had again been urged by another noble Marquess, the present Lord-lieutenant of Ireland. Now, he should like very much to see the letter urging this proposition; and, further, he should like to know, whether it had been accompanied by any such Resolution as that which he had read to their Lordships as having been proposed in another place. But it appeared, that the noble Marquess at present at the head of the Government in Ireland did make some such recommendation. But he would ask their Lordships to call to mind a particular passage in the Speech delivered by his Majesty to his Parliament on the 4th of February last. That passage was in the following words:—'I recommend to you 'the early consideration of such a final 'adjustment of the tithes in that part 'of the United Kingdom as may extinguish all just causes of complaint, 'without injury to the rights and pro-

'perty of any class of my subjects, or to 'any institution in Church and State.' Let any noble Lord couple that passage with the Church of Ireland Temporalities Bill, and the alterations which had been effected in that Bill in its progress through Parliament, and then it would be seen, whether this proposition for further change in that part of the Established Church could be entertained with consistency or with decency by the noble Earl's Administration. Their Lordships would remember, that the 147th clause of the original Bill had been struck out, solely because it was construed to render doubtful whether or not the measure was to be a final measure, or whether or not it was to ensure irrevocably to the purposes of the Established Church its acknowledged revenues. He thought it was impossible, that his Majesty's Ministers could have had a step of this kind in contemplation when they brought in their Irish Tithe Bill, with an appropriation clause in it that was afterwards abandoned. There were some other circumstances to which he wished to call the attention of their Lordships. It appeared, that a noble Lord in another place had stated, that the Commission was signed and sealed on Monday last. Now, he happened to know, that the Privy Seal was requisite to put the Great Seal in motion. That being so, how was it possible, that the noble Earl opposite (the Earl of Ripon), with the sentiments he entertained upon this subject, could have lent his aid for such a purpose? He should have thought he would rather have his right hand burnt off than lend it to affix the Seal to the Commission which had just issued. The fact was, that the Privy Seal was dispensed with, and the Great Seal had been put to the document by virtue of what was called a writ of emergency, emanating directly from the King. Thus was his Majesty called upon to give a direct order to have sealed this Commission, for purposes such as were described in the Resolution he had read. Nothing, in his opinion, could be more improper or more unjust towards his Majesty than thus to bring him, in his direct executive capacity, into collision with this Commission. There was, in fact, no emergency calling for it. There was nothing to prevent his Majesty's Ministers from waiting until they could have the business performed in the ordinary mode. No point was gained by it, excepting, indeed, that which throughout the transaction had been always in view—namely, to get a few votes in Parliament. He did not pretend to form any judgment upon the interpretation of his Majesty's Coronation Oath. Upon that subject his Majesty was the best judge. But he must say, that those who contended that his oath did not apply to him in his legislative capacity, did not act quite fairly in advising his Majesty to commit himself to this measure in his executive capacity. He would say no more, but express his thanks to the noble Earl for having made this Motion.

The *Lord Chancellor* assured their Lordships, that most willingly would he have released them and himself also, having sat there since ten in the morning, from the painful necessity of making a few observations upon the subject under discussion. An hour ago, he thought the speedy termination of the debate inevitable. But, just at that time, with what felicity he would not inquire, with what judgment he would not pronounce, how acceptably to those whose cause he was advocating, he would not pretend to determine,—a right reverend Prelate spurred up the lagging debate, and forced his noble friend to complain of the frequent irreverent and offensive introduction of the name of the Supreme Being, of which no Peer of Parliament would presume to be so lavish as he was, and coupling ever and anon these allusions to the Deity with what was not less irreverent and offensive: he meant loud and solemn denunciations of parties opposed to the right reverend Prelate. In the midst of so much error, of so much gross misrepresentation, he did not say wilful, it was no longer a matter of option with him whether he should indulge the wish he had cherished, and the design he had formed, of departing from that House without addressing their Lordships. He could not help observing, at the outset of his remarks that for a grave, deliberative assembly, possessing a reputation for wisdom, they had been brought to a somewhat novel and extraordinary position by the Motion of the noble Earl. The noble Earl moved for the production of a certain document. He knew that Motions of mere form, for the production of papers, for the purpose of introducing a discussion involving the merits of the papers themselves, were sometimes made;

but, in such cases, the contents of the papers were known. Here, however, had been a discussion upon the merits of a document of the contents of which the speakers to the merits were profoundly ignorant. This was a Motion of substance, and not of form. To none but his Majesty's Ministers were the contents of this paper known. Least of all was its scope and extent known to those who had been the most free and most loud in its condemnation. He would give an instance or so of the truth of this allegation, in the hope that it might hereafter deter noble Lords, for the sake of their own dignity, from falling into the like absurdity. One noble Lord had told them, that a noble Lord in another place had declared, that the Government meant to act upon the Report of the Commissioners; and then the noble Lord proceeded with all expedition to inveigh against the conduct of the Government in handing over the hierarchy and the fortunes of the Irish Church to be dealt with as a set of unknown Commissioners might think fit to recommend, his Majesty's Government being, as he stated, pledged to abide by the suggestions, and act upon the views of the Commissioners. Now, the noble Lord who uttered, and the other noble Lords who cheered, this sentiment were in a state of gross ignorance upon the subject. They might be wise as to the present, knowing as to the past,—with some large exceptions, however; but as to the future, the wisest, the most sagacious, minds were liable to be misled. They could know nothing of the nature of the Commission respecting which they talked so learnedly and so confidently until to-morrow. Now, what would noble Lords say to-morrow, if it should turn out that, in the Commission, there was not one word of the kind so much dwelt upon; so that it was impossible for the Government to be pledged in the manner represented? Suppose it should turn out, that there was not one word about inquiry, opinion, doctrine, remark, or suggestion, and that the labours of the Commissioners were to be of a nature purely statistical, without liberty to make a single observation, to offer a single opinion or remark upon any matter or thing whatsoever, where, then, would be the foundation of this fierce attack upon his Majesty's Government for sins committed against the Irish Church which they had never even meditated? If his noble friend in the other House, therefore, had said, that the Government meant to follow and adopt the Report of the Commissioners, he only meant to say, that they meant to adopt the sums, and figures, and distances, as ascertained and recorded by them. So much for the ignorance of the noble Lord who had indulged in these reflections and animadversions upon the intentions of his Majesty's Government with which he was perfectly unacquainted. The right reverend Prelate next displayed his ignorance on the subject, although he talked very confidently, and about the profane inquiry into the benefices and wealth of the Irish Church, dealing out imprecations upon the authors of the inquiry. Now, the right reverend Prelate had lavished all his curses upon a creature of his own imagination—a mere fiction of his own alarmed understanding. In the like spirit had he kindly composed a speech for the noble Duke to deliver in the King's Closet—a speech too long and tiresome by far for so concise an orator as the noble Duke, especially when addressing himself to Kings. Now, he begged to acquaint the right reverend Prelate, that there was not a single word from beginning to end about the wealth or profits of the Irish Church. That had already been inquired into by another Commission issued some years ago, and which met the hearty approval of the right reverend Prelates at the time. The object of the Commission was, to ascertain whether the Irish Church was sufficiently endowed for the wants of its members—whether the pastures were sufficiently rich and plentiful for the flocks. At present there was much contradictory statement upon the subject; one party contending that there was a surplus after due provision had been made for the wants of the Protestant population, another party asserting, that there was an insufficiency. After this should have been inquired into by impartial and skilful men on the spot, it would be time enough to determine whether anything and what should be done with the surplus, if surplus it should turn out there were. That the disproportion between the revenues of the Church, and the members who derived spiritual consolation from it, was very great had not been denied. A noble friend of his had that night presented a petition from a parish in Ireland, in which there were 5,000 inhabitants, not one of whom was a Protestant; and yet a considerable sum—some 200*l.* a-year—was paid for supporting that which the petitioners described as a nonentity. He knew there were other parishes wanting the means of religious instruction; and he agreed with his noble friend in thinking, that not one shilling of any surplus fund should be appropriated until after the spiritual wants of the Protestant community had been fully provided for. That having been done upon a liberal, even an extravagant, scale, what man was there who would have the audacity to state to that assembly that, after ample and sufficient provision had been made, the residue of the fund should be held sacred—should remain unapplied, or that, in determining what was ample provision for religious worship, the number of the people was to be wholly put out of view? No person could pretend to state as an abstract question, that this was a matter purely of principle—that it had nothing to do with matter of fact. If it was a mere question of abstract principle, what would be done in case of there being no members of the Established Church? It was by an extreme case that principles were tried? Surely it would not be contended, by any person possessing common sense, that King, Lords, and Commons could not deal with a surplus fund under such circumstances with as much title and authority as they were in the habit almost daily of dealing with other property, as in the case of private bills. If, instead of 700,000 Protestants in Ireland, there were but 7,000, or only seventy, would an argument in favour of the sacred character of the fund be attempted or tolerated for a moment? Suppose that there were no Protestants at all in Ireland, would they still be bound to keep up the Establishment? If the arguments of noble Lords were good for anything, they went to that. He, however, maintained, that it was idle, that it was absurd, to say, that the Legislature had not the right, and Parliament the power, to deal with Church-property as they did not unfrequently with private property on matters of public policy. He contended, that noble Lords laboured under a strange delusion respecting what was called Church-property. They would seem to look upon the Church as though it were a Corporation, and enjoying the rights of a Corporation—the privilege of holding separate rights in property, as was the case with a Corporation corporate or with a Corporation sole—such rights being cognizable at law. The Church, however, was no such thing. The Church was merely the congregation of the faithful; it meant not a body of clergymen. To talk of revenues arising, whether from tithes or oblations, or any other such source of emolument, as Church-property, meaning the property of a Corporation, was a mode of expression most fruitful of mischievous error. If, indeed, persons were to talk of the clergy, here they had bodies of men, and men enjoying the rights and privileges of Corporations—Deans and Chapters were Corporations corporate, and Bishops and parsons were Corporations sole. This he could understand as a lawyer, and this was the fact. But only see how great was the inconsistency, how gross was the illusion, of those persons who declared it to be sacrilege to meddle with what they were pleased to call Church property, for the purposes of one mode of appropriation, and yet express their ready assent to another. It was with them sacrilege to apply any surplus that might exist to charitable and pious uses; but it was no sacrilege to alter the amount distributed to the several persons, members of the Church Establishment. In other words, to distribute it equally among all the members of the Church would be no sacrilege; while to grant the smallest part of the revenues for any other purpose, albeit a purpose recognized by the Church, would be sacrilege of the deepest dye. Why, one was as complete an invasion of all the rights of property as the other was. There was the noble Earl (Earl Grey), the noble Duke (Wellington), and himself. According to these doctrines, if any one were to deprive them of all their respective properties, it would be admitted to be robbery; "but," said these ingenious persons, "if we take all this property and divide it equally among you, it is no robbery at all," although the income of the noble Duke might be much greater than that of the noble Earl, and that of the noble Earl very much greater than his. He, however, considered, that it would be also robbery differing from the other only in degree; and he had no doubt, that the noble Duke and the noble Earl would concur with him in that opinion. What was the body in question—he meant the clergy? There were many Corporations amongst the clergy. Every parson was a Corporation sole. A Bishop was a Corporation sole. Deans and Chapters were Corporations in the aggregate. All these were trustees of different properties. Now, he would just call upon their Lordships to look at the scheme of those who said, that if one farthing of the surplus fund were taken, it would be a violation of the Church property, which was sacred, and that it would be the same as taking their Lordships' property. They, however, had a plan of their own. Their plan was, to take from each of these different parties their separate properties, form them into one aggregate fund, and equalize all clerical incomes. Was ever a more absurd and contradictory argument heard? To illustrate it he would suppose a proposal to take the noble Duke's (the Duke of Wellington's) property, the property of the noble Earl opposite (Earl Grey), and his (the Lord Chancellor's) no-property, and, uniting them into one fund, to give it all to his noble friend near him (Lord Holland). That was one plan. The other was to take the same three properties for the purpose of equalizing them. This latter was the no-spoliation doctrine, in which it was quite clear the principle of interference was fully recognised. "Ay," said some noble Lords, "but this inquiry can have only one result. The very small proportion of Protestants throughout Ireland, and the large amount of the revenues received for their spiritual instruction, must be known, and it will follow that all men will see that there is a surplus." Well, then, at the worst, let it be applied to the purposes of education and charities belonging to the Established Church. If it were so, as they apprehended, he had no knowledge of the fact. Let them have an inquiry, and let them await its result. The inquiry was intended to be fair and impartial, in order to afford an opportunity to the Irish Church to tell its own story, as well as to those who doubted the use of that Establishment as at present constituted to tell their tale. There were so many opposite accounts—one man maintaining there would be a great surplus, another a moderate surplus, while a third declared there would be no surplus at all, that some inquiry was absolutely necessary. But supposing there was a surplus—he was only arguing the matter hypothetically—if there was a surplus, as had been most justly and fitly said, it should first of all, if not exclusively, be applied to the purposes of religious and moral education on the principles of the Established Church. The source from which the fund came naturally indicated the objects to which it should be applied. He was as great an advocate as any one for equal instruction to all, without respect of condition or creed; but when a fund originally belonging to the Established Church was to be directed to the purposes of education, it was but fair that it should first of all, if not exclusively, be appropriated to that object within the bounds of the Protestant Church itself. As to the Catholic Church having one single fraction of a farthing of the fund, no noble Lord who sat on that side of the House, no not even the noble Earl himself who had spoken so warmly on the subject, would more strenuously oppose such a proposition than he would, if such a proposition could for a moment be conceived. A reference had been made to certain great authorities—among others to Dr. Paley—on the question of Church establishments. That celebrated divine and ethical philosopher had maintained the doctrine, and argued it with his usual force and vigour of understanding, in which, if ever equalled, he certainly had never been surpassed, that an Established Church was necessary as contradistinguished from the voluntary system; but Dr. Paley added his qualification—the Established Church ought to be the religion of the great majority of the people. Indeed, he went so far as to say, speculatively, no doubt, and following this principle to rather an excess, that when the religion changed, the Established Church ought to change too, forgetting ten thousand circumstances which should modify the proposition, and to which he had not adverted. Archdeacon Paley was not the only authority upon that point; Bishop Warburton held the same opinion. But he disclaimed the doctrine; at all events that was not the moment to moot it; but this he would say, that no greater curse could befall the people of Ireland—no greater danger could arise to the liberties of Ireland and England, than anything which would tend to install the Catholic as the established religion of that country. Liberty would not be safe, and, in his opinion, as a Protestant, religion, in such a case, would be no better off than liberty.

He hoped he had now said enough to relieve himself and his noble and right hon. colleagues, all of whom agreed in the proposition, among whom there existed not the slightest shadow of a difference of opinion on the point—relieve them, he said, from any suspicion, if suspicion could still lurk after the declarations made by his noble friends on the opposite benches, that any notion of an attempt towards establishing the Catholic Church had even for a single moment entered their imaginations. He would go further: he did not think the enlightened and liberal Catholics themselves were at all favourable to their religion being established as a political Church. They would object to it as strongly on religious principles as any could be found to object to it on political grounds. He had been sorry to hear during the debate something like an attempt to sound a religious alarm—a religious outcry in the country, as if that were the time to make such an unholy, impolitic, pernicious, and, only on the lips of fanatics themselves, honest, appeal to the religious prejudices and party zeal of the people. He referred to a noble Earl (Winchilsea, as we understood), who declared that by agitation they had lost much, and therefore they might hope by agitation to get something back. The right reverend Prelate, too (the Bishop of Exeter), seemed disposed to join in the new firm of politico-ecclesiastical agitation. But he (the Lord Chancellor) had no great apprehension as to the result. In the first place, to agitate well had required in other instances a very different capital from that which this new pious firm had established. Honesty might have a great deal to do, he had no doubt it had, in the signal success which had attended agitation in Ireland; but if honesty, however great, had been the only capital applied, sure he was, its "rents" would have been much less considerable. He was therefore comforted by the hope, that if they persisted in carrying their threat into active execution, their failure, owing to the good sense of the people of England and Ireland, would be as signal and complete as it deserved; and a defeat more signal and more complete than it deserved he was not possessed of any language strong enough to describe. The Ministers were about to lay the Commission on the Table, and then it would be carried into effect honestly, fairly, impartially, without flinching as without violence, neither leaving undone nor overdoing what ought to be done, men of moderate though firm, of honest yet conciliatory temper, and habits, having been selected for the task; and when that task should be performed, when their report was produced, it would remain for Government to propound, and for Parliament to determine, the course which should be pursued. The noble and learned Lord then adverted to the manner of putting the Great Seal upon the Commission to which the noble Duke (the Duke of Wellington) had called attention. His noble friend (the Earl of Ripon), whose departure from office, as a most honest, honourable, able, and useful colleague, he most deeply regretted, and no man would hail with more pleasure the passing away of that temporary cloud which obscured his noble friend at present. His noble friend, it was well known, held the Privy Seal till last night. This circumstance rendered a writ of emergency necessary. It did not, however, at all commit his Majesty more than the ordinary course, for the sign manual was always requisite to put the Great Seal in motion in these cases. He would observe, in conclusion, that a right reverend Prelate had recommended the Sovereign in such case to refuse signing the Commission, and, rejecting the all but unanimous opinion of the House of Commons, to turn them back on their constituents. He (the Lord Chancellor) was surprised, that any friend of the Irish Church could wish its revenues exposed to the peril of a religious outcry raised by a minister against the representatives of the people, and by advising his Sovereign to refuse acceding to the all but unanimous prayer of Parliament. If he had been a friend to all the abuses of the Irish Church as he was a friend to its usefulness and perpetuity, and therefore an enemy to those abuses and a determined friend to their extirpation—if he was as friendly to all such as he was hostile, he would say, God forbid he should ever live to behold, or the Establishment should ever see the day, when so reckless, so desperate a course as a right reverend Prelate recommended, should be adopted by a Minister of the Crown.

The Duke of *Cumberland*, spoke as follows; I do not rise, my Lords, at this late hour to prolong this debate, but I cannot permit one assertion of the noble and learned Lord to pass unanswered. The noble and learned Lord accuses this side of the House of debating this evening upon what he terms a phantom: he says, that not one of us know or has read the Commission which has been moved for, and that that Commission is not yet upon your Lordships' table. This is true, so far as our ignorance of the exact wording of the Commission goes; but, my Lords, I deny that we know not its contents, for the noble Lord who is the leader of the Ministerial party in the other House, said explicitly, that the purport of this commission was to ascertain the revenues of the Irish Church, the number of parishes, and their comparative population as to Protestants and Papists, adding that his Majesty's Ministers meant to act on this report to its full extent, and that, if any surplus revenue should be found, they would commit an act of spoliation by employing it for other purposes. The noble Earl at the head of the Government, and the noble and learned Lord on the Woolsack, have to-night, denied this so far as to declare, that not one iota of that surplus shall be given to the Catholics. If I am not correct in this, I require immediately to be set right—[Lords Grey and Brougham here nodded assent.]—I take the assent of the noble Lords as an acknowledgment that I am right in saying, that they have this night disclaimed any intention of appropriating any portion of the revenues of the Church to the Catholics. I cannot sufficiently express my gratitude to the noble Earl who brought forward this Motion, as certainly my alarm for the Church was increased after the noble Lord's declaration in the House of Commons, followed by similar declarations of his colleagues in that House. How his Majesty's Ministers in this House, after their declarations here to-night, will come to an understanding with their colleagues in the other House, I am at a loss to make out; of course, there existed a greater difference in the Cabinet previous to the resignation of its late members, than there does at this moment. How far his Majesty's Government are united at this moment, I leave to them to settle amongst themselves. Before I sit down, my Lords, I beg to declare, that I never can, and never will, consent to any alienation of Church property.

The Duke of *Richmond*, was only anxious to explain, after what had fallen from some noble Lords during this debate, that a letter from the Lord lieutenant of Ireland was submitted to the Cabinet previous to the meeting of Parliament, in which there was a recommendation for the appointment of a Commission; the Cabinet did not then discuss this recommendation, neither was the question again brought before the Cabinet; and their Lordships would be aware, that the Ministers who had receded resigned their offices at five o'clock on Tuesday, the 27th of May.

The Earl of *Wicklow* said, in reply, there was one sentiment which he heard from the noble Lord opposite which gave him satisfaction, when he spoke of the necessity of maintaining the dignity of that House. But the dignity of their Lordships' House was not maintained by the highest officer of that House getting up in his place and charging a right reverend Prelate with ignorance. The noble Lord had also charged him and others with ignorance, yet failed to prove it. He said, that the document was not before the House, and therefore noble Lords evinced ignorance in speaking of its contents. But he (the Earl of Wicklow) heard the declarations of the noble Lord's colleagues in the other House, and from these he was able to judge of the nature and object of the measure, and, on the strength of them, declared that he had no confidence in the Government. The noble Lord, and other noble Lords in that House, stated different grounds in support of the Commission from their colleagues in the other House. His Majesty's Ministers in the other House declared, that the object of the Commission was to carry the Resolution of the member for St. Alban's into effect; and his Majesty's Ministers in their Lordships' House declared that the Commission was merely one of inquiry, and had no reference to those Resolutions. Amidst such conflicting statements how could their Lordships arrive at the fact? The noble Lord quoted a petition as the ground of the Commission; but he could not forget the nature of the measure of last Session; and what he now alleged for the Commission was absolutely provided for by the Bill of last Session.

He would say, that the views of the noble Lord who lately held the Privy Seal was a drag-chain on the headlong career of the Government. He (the Earl of Wicklow) knew his own duty, and need not be told by the noble Lord what it was. At all events he would not be disposed to pay deference to the opinion of any one who would maintain, that Parliament should yield to clamour.

The Motion was agreed to.

HOUSE OF COMMONS,

Friday, June 6, 1834.

MINUTES.] Bills. Read a third time:—Spring Quarter Sessions; County Rates.

Petitions presented. By Mr. VERNON SMITH, from Belper, in favour of, and from Smisby, against, the Claims of the Dissenters; from two Places, against, Drunkenness; and from the same Place, against the Poor Law Amendment Bill.—By Viscount EBRINGTON, and Messrs. BROUGHAM, SHAW LEFEVRE, CHARLES TYRELL, HAWKINS, Lord NORREYS, Colonel WILLIAMS, Messrs. BLACKBURNE, STRUTT, and GISBORNE, from several Places,—against the Poor Law Amendment Bill.—By Sir E. KNATCHBULL, from the Sheriff and others of Kent, against Tithes.—By Sir JOHN SEBRIGHT, from Hertford, against the Importation of Corn from Jersey, &c.—By Lord ROBERT MANNERS, Lord NORREYS, Lord JERMYN, Sir ROBERT INGLIS, Mr. ESTCOURT, Mr. HALFORD, and Sir EDWARD KNATCHBULL, from several Places,—against the Admission of Dissenters to the Universities, and for Protection to the Church of England, and against the Separation of Church and State.—By Lord JOHN RUSSELL, from Perth, for Vote by Ballot.—By Mr. E. COOPER, from Sligo, for the Re-establishment of the Linen Board, and for Relief to the Linen Trade.—By Mr. OSWALD, from Kilwinning, for the Separation of Church and State.—By Mr. ATHERLY and Colonel WILLIAMS,—against the proposed Measure of Church Rates.—By Sir E. KNATCHBULL, from five Places, against the Beer Bill, and against Drunkenness.—By Mr. OSWALD, from Largs, for Simplifying the Proceedings in Courts of Justice; from the Parochial Schoolmasters of Ayr, for an increased Stipend; from two Places, for a Better System of Church Patronage in Scotland.—By Lord DALMENY, from Tarbolton, for Protection to the Church of Scotland.—By Sir ROBERT INGLIS, from Clapham, &c., against the Separation of Church and State.—By Colonel WILLIAMS, from Staley-Bridge, in favour of the Lord's Day Bill; from Ashton-under-Lyne, for the Remission of the Sentence on the Dorchester Labourers.—By Sir ROBERT INGLIS, from Heckmondwicke and Plympton, for the Better Observance of the Lord's Day.

POOR LAWS' AMENDMENT.] Lord *Althorp* moved the Order of the Day for the Committee on the Poor Law Amendment Bill.

On the Question, that the Speaker leave the Chair—

Mr. *Cobbett* expressed his wish, that the House would inquire into the cause of the increase of pauperism before it passed this measure; it would thus ascertain whether it was necessary to pass it at all. If it were found that the evils had not increased, or that they were stationary, it might not be wise to legislate upon the subject. The instructions to the Commissioners stated, that "if the evils of the system appeared to be diminished, or to be stationary, it would be better to endure them than to incur the probable hazard of an extensive alteration." As to the poor-rates, it appeared that though they had augmented of late years, yet, that in the last year they had diminished four per cent. all over the kingdom; so that, according to the rule prescribed to the Commissioners, the House ought not to interpose, and the Bill upon the Table ought to proceed no farther. At least Parliament ought to pause and investigate the fact before it ventured to make so extensive an alteration. The House, in fact, treated the subject as if the poor had been guilty of some crime, when the fact was, that neither Magistrates, Overseers, nor poor were in fault: the fault lay in the acts of the House itself, and it was so duly sensible of that fact, that it was afraid to investigate the causes of the present condition of the poor. The Commissioners had now and then let out facts that did not quite make for the end they had in view, pleasing those who appointed them, and it was in evidence in their Report, that in the parish of Breed, in Sussex, fifty years ago, there was but one cottage that did not belong to the labourers who occupied them: now there were but two cottages the property of labourers, 182 of whom were upon the rates. In another place the labourers formerly brewed their own beer: now they neither brewed beer nor drank it. In the Report of the Agricultural Committee it was stated, that a want of employment was one of the great causes of the increase of the poor-rate, and that this want of employment occurred while at the same time a large quantity of land either was entirely uncultivated, or stood in need of better cultivation. Now what he (Mr. Cobbett) wished to know was, what the cause was of all this? He thought it ought to be explained before they proceeded with the Bill, the tendency of which was more than half to revolutionize the country. Before they proceeded with that Bill, they ought to solve the problem contained in the passage which he had referred to in the Report of the Agricultural Committee. It was his intention on the next occasion when it was proposed that the House should resolve itself into this Committee to move that, before any further proceeding with the Bill, an inquiry should be instituted of the causes of the great evils which existed under the present Administration of the Poor-laws; and also that a copy of the instructions which had been given to the Barristers who drew up the Bill should be laid on the Table.

Mr. *Clay* wished to ask the noble Lord, the Chancellor of the Exchequer, whether it was not his intention to admit of appeals against the decisions of the Poor-law Commissioners being moved by writ of *certiorari* into the King's Bench.

Lord *Althorp* did not see any importance in retaining that clause which gave the Commissioners the power of acting as justices of the peace; but with respect to the clause which provided that the orders framed by the Commissioners should not be removable by writ of *certiorari* into any of his Majesty's Courts of Record, he did not think, after the best consideration he had been able to give the subject, that it would be desirable to remove that clause from the Bill. If, however, before the Report of the Committee any mode could be devised of trying the legality of the Commissioners' orders, without suspending them, he should not be indisposed to adopt it; but to proceeding by writ of *certiorari* he decidedly objected, because it would have the effect of suspending the Orders of the Commissioners, and interfering very inconveniently with the action of the Bill.

Sir *James Scarlett* conceived, that the noble Lord, by adhering to that clause, was about to establish an absolute tyranny on the part of the Commissioners. These officers would not be responsible for any of their conduct under the Bill; no action could be brought against them; there would be no tribunal to try the case or to correct anything they might do. He for one did not think that the people of England were disposed to submit to such a power, either in the Poor-law Commissioners or in that House itself. If the Commissioners were under any obligation to make only legal orders, who was to judge of the legality unless it were some of the superior Law Courts? This would be the only remedy. An action must be brought in order to ascertain whether the orders of the Commissioners were legal; but by the Bill the Commissioners, it seemed, were to be relieved from all responsibility. The noble Lord was about to establish an absolute irresponsible power which no Court of Law could control. The question was, did it become the House of Commons to intrust such a power with any man or body of men whatsoever. Unless the writ of *certiorari* was allowed to exist as at common law the first part of the Amendment which he understood the noble Lord was to move to the Bill would pass for nothing at all. The noble Lord was really about to establish a perfect tyranny unless he admitted of the control of the Court of King's Bench, or of some control besides that of submitting the orders of the Commissioners to the Secretary of State.

Lord *Althorp* explained, that his objection to allowing the orders of the Commissioners to be removed by writ of *certiorari* to the Court of King's Bench arose out of the delay which such a proceeding was calculated to produce. But he repeated, some unobjectionable mode of ascertaining the legality of the Commissioners' orders could very probably be devised before the termination of the Committee. He did not so much object to allowing a question to be raised respecting their legality previous to their operation, as he did to having their legality disputed after they had been acted upon.

Mr. *Grote* trusted, that the powers of the Commissioners would not be crippled. If the efficiency of the measure was destroyed, the House would incur the odium of passing an unconstitutional measure, without having the consolation of being able to derive any benefit from it.

Sir *Robert Peel* said, the orders of the Commissioners would contain matter of a mixed nature, being both legal and political; and he, therefore, did not think that they could properly be submitted to the consideration of his Majesty's Courts of Record. There was a great distinction between applying to a court of justice by writ of *certiorari*, on a specific question of law, and going there to get its sanction to a whole code of laws before they were issued.

The House resolved itself into a Committee.

On the 21st clause, requiring the Commissioners to inquire into the expense of the poor belonging to each parish for three years, being read,

Sir *Henry Willoughby* said, that he felt great objection to this clause, as it gave to the Commissioners the power of imposing a tax to whatever extent they pleased on any parish, without the consent of the rate-payers and the owners of property within the parish. In his opinion, the present clause completely annulled the provision in the 19th clause, restricting the amount of money which the Commissioners were empowered to raise to 50*l.* from each parish, and might have the effect of altering the value of every estate in the kingdom, by making the inhabitants of a well-managed parish united to a pauperized parish pay for the erection of workhouses for which they themselves had no need. He should, therefore, propose that the Commissioners should have the power of taxing any parish without the consent of the majority of the rate-payers and owners of property.

Lord *Althorp* understood the objection of the hon. Gentleman to the clause was, that it gave the Commissioners the power of taxing parishes to any extent. The ground for the assumption was, that the Commissioners had the power of building workhouses in any parishes they pleased. The Commissioners had no such power; they merely were enabled to direct the forming unions of parishes, and they had merely the power of recommending the erection of workhouses; the parish, however, could refuse. The amount of expenditure that the Commissioners could order was comparatively small. The hon. Baronet seemed to think that parishes with small rates would object to contribute towards building workhouses. He (Lord Althorp) did not anticipate that that would be the case; he thought, that it was more likely, that parishes paying large rates would object to pay their proportion to funds for building workhouses. If the Commissioners were to have the power of building workhouses the objection of the hon. Baronet would be of some weight; but, although this was recommended in the Report of the Poor Law Commissioners, his Majesty's Government would not consent to give them such power.

Sir *Thomas Freemantle* said, that it appeared to him that there was some ground for the objection of the hon. Baronet, but not to the extent that he supposed. As the Bill stood, the Commissioners would have the power of calling upon parishes to give up workhouses that were now adequate to their wants, and to contribute to the building of a general workhouse.

Mr. *Grote* thought that the clause did not bear the construction put on it by the hon. Baronet. It did not appear to him, however, that in cases of unions of parishes there was sufficient provision made for ensuring that the proportionate expenses of building the workhouse should be fairly assessed.

Mr. *Thomas Attwood* said, that he should support the proposition of the hon. Baronet because it tended to render the Bill absurd, although it was sufficiently absurd already. He objected to the Bill in every possible form, and thought it wrong in its object, wrong in its details, and wrong in its principles. The noble Lord had nine large volumes on the subject of the Poor Laws which no human being had ever read through, or indeed through any one of them. The noble Lord said, that his Bill was founded on the evidence contained in those volumes. This assertion reminded him of the story of a negro who had been sent by his master to count the pebbles on the shore, and who in a short time returned to his master and said, that there were 21,000,000,000. His master charged him with telling a falsehood, but the negro replied, "Go, master, and count them, and you will find I am correct." So it was with the noble Lord, who said that his Bill was founded on the facts contained in the evidence annexed to the Report, and told Members to go and read it. But he could tell the noble Lord that there was not a man in that House who could get through those volumes. The whole Bill was founded on the assumption of arbitrary power, and would, if carried, rob the poorer classes in the most shameful manner, indeed as much as was done by the Act by which a return was ordered to cash payments. Why did the noble Lord attempt to force such a Bill down the throats of the people? For his part he had never heard of any grievances growing out of the Poor-laws. The amount of the poor-rates paid at present was not greater than it was forty years ago, if they took into consideration the increase of population. At present the poor-rates of Birmingham amounted to nearly 40,000*l.* But the Bill of 1819 robbed the people of Birmingham of 4,000,000*l.* a-year. The noble Lord could not expect to live much longer. He (Mr. Attwood) therefore wished the noble Lord had, for the sake of his reputation, ended his political career before he brought forward this absurd Bill.

Lord *Althorp* was not surprised that the hon. Gentleman objected to every part of the Bill when he said, that he had never heard of any defects in the Poor-laws.

Sir *Henry Willoughby* said, there were not less than 220 parishes in which from one-fifth to one-twentieth of the population were said in the Report of the Commissioners to be out of employment during part of the year. Now he wished to know whether they could establish a workhouse system in parishes of this kind? He could mention one parish in which there were 100 out of work in summer and 120 in winter. Now were all those men who could not always procure work to be forced into workhouses? There were some parishes in which the single men would be quite sufficient to do all the work of the parish. The consequence in such parishes must be to send all the men with families into the workhouse, or else compel them to accept of very reduced wages. If the system in the workhouse was too stringent men would feel reluctance to enter it, and the effect would be to minimize wages in such a parish. It was well known that persons who once entered a workhouse seldom left it. He was checkmated for ever after. He was surprised to hear any man say, that this was a constitutional measure, and consistent with the Poor-laws of this country. The fact was, that the word "workhouse" did not once occur in the 43rd of Elizabeth. He would be quite satisfied if it could be shown to him that by a system of workhouses work could be procured for the redundant population.

Mr. *Tower* said, he was surprised to hear the member for Birmingham say, that there were no complaints of the Poor-laws. This might be true of manufacturing districts, for they did not press so heavily upon the manufacturing as upon the agricultural interest, the former paying in the proportion of only one to twenty-two or twenty-five. He would oppose the Amendment because it tended to smother the Commissioners with two great a variety of work, and thus to impair their efficacy.

Mr. *Wolryche Whitmore* expressed his surprise at the objection taken by his hon. friend (Sir Henry Willoughby) to the workhouse system altogether. If the Amendment of the hon. Baronet were carried, it would prevent many parishes in union from contributing their quota to the relief of the poor. It was a mistake to suppose that the Bill gave the Commissioners a power to erect a general system of workhouses all over the country.

Mr. *Robert Palmer* did not understand that the Bill gave the power to erect workhouses without the consent of the majority of the rate-payers of a parish. He wished to know from the noble Lord what it was the Bill proposed to do in that respect?

Lord *Althorp* was glad that the hon. member for Berkshire had given him the opportunity of stating, that the Bill did not give the power to build workhouses without the consent of the majority of the rate-payers of the parish. The Commissioners had the power to suggest to the parish the erection of a workhouse, but the erection was not to take place without the consent of the rate-payers, not even in unions of parishes. The Bill did not involve the necessity of giving no relief out of the workhouse, or of erecting workhouses throughout the country, without the consent of the majority of the owners of property. The question whether the workhouse system might not be better applied was a different thing; but it would be absurd to suppose that the Bill meant to sanction a general system of workhouses throughout the country. The power of giving relief out of doors would still remain as before. The only difference would be, that the Magistrates would not have the same power as formerly to award relief, that power resting with the guardians of the poor.

Mr. *Benett* contended, that the parish would have no effectual control over the erection of workhouses unless the clause were worded " and " with the consent, instead of " or " with the consent of the guardians of the poor. He had the strongest objection to a general workhouse system, and on that ground he would support the Amendment of the hon. Baronet.

Lord *Althorp* said, that it had been stated by the hon. member for Wiltshire that country gentlemen would, under this Bill, no longer be guardians of the poor in their respective parishes. If his hon. friend would look more closely into the Act, he would find that the fact was decidedly the reverse, for one Magistrate in each district would be a guardian of the poor.

Mr. *Hodges* looked upon the measure as one for giving aid to the sick and employment to the able-bodied poor. Now, in this clause the Commissioners were directed to inquire into the expenses incurred for three previous years in the parishes about to be united for the support of the poor, and thereupon to strike an average for the whole. It appeared to him, that they should, in inquiring into such expense, make an analytical division of it, showing how much had been incurred for the support of the aged and impotent, and how much for the support of the able-bodied poor in each parish. It was for the able-bodied paupers that those workhouses were intended, and it was according to the expense that had been incurred in each separate parish for the support of that class of paupers that parishes, when united, should be rated towards the expense of erecting those workhouses. Unless an analysis were made of the mode in which the expenses connected with the support of the poor for the three previous years had been incurred much injustice might be done, for in some parishes little or none might have been laid out in the support of able-bodied poor, while, owing to law expenses and other accidental causes, the outlay in other respects might have been considerable. With regard to this incorporation of parishes for the erection of workhouses, it had been tried already in Suffolk for a period of fifty years, and instead of lessening it had increased the expenditure for the poor in the parishes that had adopted it. He thought the principle erroneous and mischievous.

Mr. *Poulett Scrope* agreed with the hon. member for Kent in the objections which he had taken to this clause. If passed in its present form, it would press with great hardness and severity upon those smaller parishes who at present had no workhouses at all, but who supported their poor at their own homes humanely and well. It would be extremely hard to compel those parishes, by uniting them to other and larger parishes, to contribute to the erection of workhouses that they did not want. The hon. member for Kent had referred to the failure that had attended the trial of this workhouse system in Suffolk, where it had existed for a long period. In corroboration of that opinion he would just read to the House a few extracts from the Report of Mr. Stuart, one of the Assistant-Commissioners, with regard to the incorporated hundreds in that county. The House would see what had been the effect of this incorporated workhouse system there, and they would also perceive that it had been tried exactly in the manner that this Bill proposed to introduce it all over the country. The hon. Member accordingly read a long passage from the Report, stating that the workhouse system had there failed, and that the workhouses had become prisons. The hon. Member contended, that this extract faithfully depicted what was the object, and what would be the consequences of the workhouse system as proposed to be established by this Bill. They would in fact become, as they had in Suffolk, prisons for the purpose of terrifying applicants from seeking for relief; and though such a cruel expedient might be resorted to, it would be seen that it had little chance of being attended with success. The hon. Member also read an extract from a letter of Mr. Becher, who had been described as a patron of workhouses, in which he stated, that the workhouse system as proposed under this Bill would be productive of great mischief. He (Mr. Scrope) could not support the Amendment, as it would take away altogether the power of uniting parishes, but he trusted that the noble Lord would introduce hereafter a modification of the clause so as to prevent the injustice of driving a large portion of the people into workhouses, which would be so many large prisons.

The House divided on the Amendment—Ayes 12; Noes 113; Majority 101.

List of the AYES.

Astley, Sir J.
Attwood, T.
Barnard, E. G.
Benett, J.
Brotherton, T.
Butler, Colonel
Faithfull, G.
Fryer, R.
Godson, R.
Guise, Sir W.
Scholefield, J.
Tower, C. T.

TELLER.

Willoughby, Sir H.

The clauses as far as the thirty-second were agreed to. The Committee to sit again.

HOUSE OF LORDS,

Monday, June 9, 1834.

MINUTES.] Bill. Read a third time:—House Tax Repeal.

Petitions presented. By the Marquess of WESTMINSTER, from a Number of Places, for the Emancipation of the Jews; from Chester, for a Reform of the Established

Church.—By the Earl of STRADBROKE, from a great Number of Places, against the Claims of the Dissenters.—By the Earl of VERULAM, from the Landowners and others of Hertford, against the Importation of Corn from Jersey and Guernsey.—By the Duke of SUTHERLAND, from one Place, against any Alteration in the Sale of Beer Act; and from another Place, for Relief to the Dissenters; from Staines; and by the Bishop of LONDON, from Tottenham, in favour of the Chimney Sweepers Regulation Bill.—By the Earl of GOSFORD, from Plymouth, for a Clause in the Sabbath Observance Bill.—By the same, and Lord SUFFIELD, from two Places,—for the Better Observance of the Sabbath.—By Earl FITZWILLIAM, from Balfour, for the Separation of Church and State.—By the Earl of COVENTRY, from several Places, against the Admission of Dissenters to the Universities; and from several Places, against the Separation of Church and State.—By the same, Earl VERULAM, and the Earl of GOSFORD, from a Number of Places,—for Protection to the Established Church, and against the Claims of the Dissenters.

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HOUSE OF COMMONS,

Monday, June 9, 1834.

MINUTES.] Bills. Read a second time:—Weights and Measures (Ireland); Lancaster Court of Common Pleas; Escheats; Settled Estates.—Read a third time:—Administration of Justice in Boroughs; Landed Securities (Ireland); Justices of the Peace.

Petitions presented. By Sir GEORGE GREY, from two Places, against the Poor Law Amendment Bill.—By Mr. JOHN MAXWELL, from Kirkintillock, for securing a part of Church room to those who pay for the building of the Churches.—By Mr. COLQUHOUN, from Greenock, for Endowed Lecturerships in Towns where there are no Universities.—By Mr. NICHOLL, from Glamorgan, for exempting Lime from the payment of Toll.—By Sir ANDREW AGNEW, from Almondbury, against any Individual in his Majesty's Service being compelled to attend the Religious Services of Roman Catholics Abroad; from Port Patrick, for Regulating the Nomination of Ministers to Churches (Scotland).—By Sir WILLIAM FOLKES, from several Places, for a Clause in the Tithes Commutation Bill.—By General ARBUTHNOT, from the Synod of Angus and Mearne, against any Alteration in the Law of Patronage in Scotland.—By Captain DUNLOP, from Renfrew, in favour of the Sabbath Observance Bill.—By Mr. BLAKE, from Galway, for a Better System of Pilotage in the Bay and Harbour of Galway; from the same, for a Canal between Galway and Loch Corrib; also against the Tithes (Ireland) Bill; from three Places, for the Abolition of Tithes.—By Mr. COLQUHOUN, and General ARBUTHNOT, from several Places, for an Increase of Salary to the Parochial Schoolmasters.—By Sir THOMAS FREEMANTLE, Colonel LEITH HAY, Messrs. FINCH, HAWKES, WILSON PATTEN, and NICHOLL, from several Places,—against the Universities' Admission Bill.—By Mr. CUTLAR FERGUSSON, and Mr. COLQUHOUN, from several Places, for a Better System of Church Patronage in Scotland.—By Mr. E. ROMILLY, from Newport (Monmouth); and by Lord ARTHUR LENNOX, from Chichester,—against Church Rates, the Dissenters' Marriages Bill, and the Registry of Births Bill.—By Mr. COTES, from Wellington, for Relief to the Dissenters.—By Mr. RUMBOLT, from Great Yarmouth, against the Merchant Seamen paying Sixpence to Greenwich Hospital.—By Mr. WILSON PATTEN, from Ulverston, against the Claims of the Dissenters.—By Lord ARTHUR LENNOX, Messrs. NEELD, COTES, HAWKES, and FORSTER, from several Places,—for Protection to the Church of England.—By Lord ARTHUR LENNOX, Messrs. DASHWOOD, E. ROMILLY, and HODGSON, from several Places,—against the Proposed Measure of Church Rates.—By Lord WILLIAM LENNOX, and Mr. CUNLIFFE LISTER, from several Places,—for putting the Retailers of Beer on a Footing with Licensed Victuallers.—By Mr. E. ROMILLY, and Mr. PARKER, from Usk and Sheffield,—for amending the Sale of Beer Act.—By Mr. G. W. WOOD, Mr. COTES, and Mr. PARKER,—against any Alteration in the Sale of Beer Act.—By Lord ARTHUR LENNOX, Sir THOMAS FREEMANTLE, Mr. J. MAXWELL, and Mr. BONHAM CARTER, from several Places,—against Drunkenness.—By Sir WILLIAM FOLKES, Messrs. G. W. WOOD, HEATHCOTE, BETHEL, HAWKES, WILSON PATTEN, and WALTER, from a Number of Places,—against the Poor Law Amendment Bill.

CASE OF DR. WILLIAMS.] Sir *Edward Codrington* presented a Petition from Dr. Williams, late a Surgeon in the Navy, complaining of having been dismissed from the Navy on certain allegations against him which were false, and the falsehood of which was since admitted by those who gave the Admiralty the information. He was dismissed, and, after repeated applications to the Admiralty in 1826, for a copy of the charges against him, was told, that they had been proved to the satisfaction of the Admiralty, who therefore struck him off the list. After repeated applications, he got the minutes of his case, and it was referred to the present Admiralty Solicitor, by whom the charge was said to be affirmed. He (Sir Edward Codrington) contended, that the dismissal by the Lords of the Admiralty was unconstitutional and illegal. The case of the petitioner involved a question of great constitutional importance. A man, without being confronted with his accusers had been dismissed from the navy. This unconstitutional power had been exerted by the Admiralty in more cases than one; and he had no hesitation in saying, that it was once in contemplation to have struck him (Sir Edward Codrington) off the list, without affording him the means of publicly defending himself. He asked, why the Admiralty did not do it? It was, because he should have brought the subject before the public through the medium of that House. It was not from a sense of justice that they refrained from making the attempt, to which they were urged by political feeling; but because they dared not to do it. The Admiralty in itself had no power to strike an officer from the list; it could only be done by the sign-manual of the Sovereign. The hon. and gallant Admiral referred to the two cases of Admiral Vernon in 1746, and of Sir Isaac Coffin in 1786, in which it was held by the twelve Judges, that it was illegal for the Board of Admiralty to strike officers off the list, and these two who had been struck off were restored. There was another objection to the exercise of this power. For every three individuals who were struck off the list, the Admiralty possessed the privilege of appointing one. Therefore they had a direct interest in striking off as many as they could. He contended, that such a power was anusurpation of the Royal Prerogative, and ought not to be exercised by any body of men.

Mr. *Labouchere* said, that if the hon. and gallant Admiral thought the Board of Admiralty should not have the power he had referred to, he ought to bring such an important question forward on its own merits, and not discuss it incidentally on the presentation of a petition. The subject was one of very great importance in a constitutional point of view; and if the hon. and gallant Member should think fit to bring the question under the consideration of the House in a substantive Motion, he should be prepared at any time to meet it. He must, however, decline entering into a discussion of that question on the present occasion. With reference to the case of Mr. Williams, he must say, that it was one which did not call for the interference of the House. The hon. Member entered into an explanation of various transactions in which the individual mentioned had been concerned, with a view of satisfying the House, that Mr. Williams had in his private capacity behaved very ill. The Admiralty, therefore, were perfectly justified in removing him from the service. In such a profession as the army or the navy, he knew of no distinction to be made between the character of an officer and the character of a gentleman, for what was discreditable to the one was equally dishonourable to the other. It would have been a reproach to the Board of Admiralty to suffer so dishonourable a man to remain in his Majesty's service, and they had acted with great propriety in striking him off the list.

Major *Beauclerk* was unacquainted with the merits of the present case, but he protested against the principle of depriving any officer of his commission, without affording him the opportunity of defending himself by a Court-martial.

Sir *James Graham* was surprised, that the experience of the hon. and gallant Admiral had not suggested to him the difference which existed between an officer on full pay and one upon half-pay only, with reference to the question under discussion. He could scarcely suppose the hon. and gallant Member to be ignorant that an officer on half-pay could not be tried by a Court-martial. A full investigation had taken place by successive Boards of Admiralty into the allegations made against the petitioner; those facts had been fully established to the entire satisfaction of each Board; they had been again and again inquired into, and as often re-established, so completely as to leave no doubt in the minds of those who had made the investigation. It had been proved beyond a doubt, that this individual had been guilty of most dishonourable conduct, and acts had been established against him that were highly derogatory to the character of a gentleman. He confessed that he was unable to make any distinction between the conduct of a man as a gentleman, and that honourable course of conduct which qualified every man to bear the commission of his Majesty. The Crown, therefore, as the guardian of the honour of the navy, had, by means of the Admiralty, upon the full establishment of the dishonour of the petitioner, directed that he should be struck off the list. The hon. and gallant Admiral had insinuated, that this individual, and many others, had been struck off the list, because the Admiralty possessed a direct interest in so doing; and, that for every three who were struck off, they had the privilege of one appointment. He (Sir James Graham) had a great respect for the gallant Admiral, although he had had many conflicts with him in that House; and, as the hon. and gallant Officer filled a highly respectable station in his Majesty's navy, he would put it to his honour to declare, whether he believed the Board of Admiralty could be actuated by such motives; and, if he thought it could not, he would appeal to his superior judgment, to his more generous feeling, whether he considered it consistent with his duty as a distinguished officer, or the courtesy which was ordinarily extended to gentlemen of the same station, to make such an insinuation without the strongest and most substantial reasons? [Sir *Edward Codrington:* I have alluded to no particular board.] He understood the gallant Officer to say, that the motive was obvious, and such as he had described. The hon. and gallant Admiral, however, was very unhappy in selecting the present case, for the petitioner was a surgeon; and, consequently, formed an exception to the rule to which he had so strongly objected. The gallant Admiral had also stated, that it had been in contemplation to remove him from his

Majesty's service. He must express the great respect he entertained for the hon. and gallant Officer; but had he seen anything in the conduct of the gallant Admiral discreditable to the character and conduct of an officer and a gentleman (and this was a supposition he could not entertain, but the gallant Officer had raised the question), he should have thought that he betrayed the trust reposed in him by his Sovereign, if he had not recommended his Majesty to exercise his prerogative, and remove him from the Navy-list. He had not seen anything in the hon. Admiral's character, as an officer or a gentleman, to justify such a recommendation; but if, when he had the honour to preside at the Board of Admiralty, anything had come to his knowledge at all inconsistent or derogatory to the character of a gentleman and an officer, he repeated, that he would not have shrunk from any apprehension of what that House might do, or of unpopularity out of it; but he would have faced the House and the unpopularity, by acting up to what he considered to be his duty to his Sovereign. For the government of the army and navy there must be a head; and that head was the Sovereign. But the Sovereign did not exercise the privilege of striking officers from the list with his own hand; that power had been delegated to the Board of Admiralty. So long as the present form of Government existed, this power must be vested in the Crown, and executed by the Board of Admiralty. The cases which had been quoted by the hon. and gallant Officer had no application to the present case.

The *Lord Advocate* thought there was one point which had not been sufficiently enforced by the right hon. Baronet. The hon. and gallant Officer had made a distinction between the power exercised by the Crown, and the power exercised by the Board of Admiralty. The truth was, the Crown could not exercise that power, but by a responsible adviser, who was, in this case, the First Lord of the Admiralty.

Sir *Edward Codrington* said, he was the last man to say anything derogatory to the authority and dignity of his Sovereign; all that he meant was, to deprecate the assumption of the King's name by any body of men to do that which was unjust. The petitioner and his accusers had never been brought face to face; and, therefore, he had as much right to believe the petitioner, as he had to credit the statements of his accusers. He himself had felt something of the injustice with which the Board of Admiralty acted towards individuals who came under their ban; he had courted inquiry, and desired a Court-martial which had been refused, and continued to be refused, and he had been kept in the back ground because he would not make himself politically subservient to party. He should have an opportunity yet of setting that and other matters to rights, and the Board of Admiralty might depend that he was not to be deterred from doing his duty, either to the public or to himself. The hon. and gallant Member then presented a petition from another medical officer in the navy, complaining, that after spending nearly the whole of his life in his Majesty's service, he was now about to be thrown on the poor-rates, having been refused his pension because he had, in want of other employment, served on board a private trader.

Petition laid on the Table.

POOR LAWS' AMENDMENT—COMMITTEE.] Lord Althorp moved the Order of the Day for the Committee on the Poor Laws' Amendment Bill.

On the Question, that the Speaker leave the Chair,

Mr. *Cobbett* said, that he was anxious to stop the progress of the Poor-laws' Amendment Bill altogether. The noble Lord had vaunted, that it would afford relief to agriculture; and when the repeal of the Malt-tax, or of the duty on agricultural horses was talked of, he had always said, that his measures upon the Poor-laws and upon tithes would accomplish all that was wanted. As to tithes, the noble Lord did not seem to be much in a hurry; his adversary was somewhat stout, and the noble Lord had not the courage to look him in the face; but the poor might be met—they might be looked in the face without danger; so, while the noble Lord fled from Dissenters and the Church, he was very vigorous in his attack upon the poor. He intended to propose, that the House should proceed no further with the Bill for the amendment of the Poor-laws, until it had investigated the increase of the poor-rates; he did not mean to press for the instructions of the barristers who had prepared the Bill, but to move the following resolution, "That, before the House proceeds further with the Bill, a Select Committee should be appointed to inquire into the cause or causes of the great increase of the poor-rates in England and Wales." If the Report laid on the Table did not afford sufficient reasons for this delay, it would be strange to him and stranger still, perhaps, to the people at large. After asserting, that the Poor-laws' Amendment Bill would afford effectual relief to the farmer, it was very natural that the noble Lord should introduce it; and after it had been read (he believed) a second time, another Report from the fertile brains of the Poor-laws' Commissioners was presented. The Commissioners had been instructed to find, whether the depression of agriculture arose from the increase of the poor-rates, or from the mal-administration of the Poor-laws. If they discovered that it did not, then there was clearly no necessity for this Bill. What did they report? That they had put this question to 1,717 gentlemen of England and Wales—"Do you think, that the amount of agricultural capital is declining?"—The real meaning being, in plain words, "Are the farmers worse off now than they used to be?" With one exception, the whole 1,717 replied, that the farmers were poorer than formerly. The exception applied to the estate of the late First Lord of the Admiralty, which, it seemed, was so well managed, that were it not for Scotch bastards and Scotch vagrants, the farmers would have been in a better condition than formerly. Then the Commissioners followed up their first question by a second, which was coupled by the little conjunction "and"—"And do you attribute such increase or diminution to any causes connected with the administration of the Poor-laws?" Why did they put this question? It was just as much as to ask them, "Do say, it is owing to the Poor-laws—do say, that magistrates, overseers, and the poor are to blame, and that the latter will soon devour up the whole country, or our poor Chancellor of the Exchequer will go crazy." What reply had been given? Out of the 1,717 gentlemen, 401 had positively given it as their opinion, that the poor-rates had not been the cause of the diminution of agricultural capital: 1,157 assigned other causes—the weight of taxation, and, above all, great, sudden, and arbitrary changes in the currency: 159 only ascribed the ruin of the farmers to the poor-rates. The noble Lord first brought in his Bill, then read it a second time; and next laid this Report of his own Commissioners on the Table, to show, that his Bill was necessary; yet the whole 1,717, excepting 159 persons, had given it as their decided opinion, that the depression of agriculture was not owing to the poor-rates, or to the administration of the Poor-laws. It was just as if the noble Lord had said: "I will show you what power and influence I possess—I will bring in a bill, and pretend to back it up by a Report which directly contradicts it, and yet I will make the House of Commons pass the Bill; if it will not go, I will drag it with me." It was curious, also, that, of the 159 persons, twelve or fourteen were anonymous witnesses, one of whom was indorsed by the Bishop of London. Surely the Bishop, at this day, might better have employed his time, than in supporting evidence against the poor, and one of the most ancient institutions of the country. There was another ancient institution, that at present much required his aid, and to that he had better confine his exertions. Another of the 159 witnesses was one of the Commissioners who went down to his own parish, signed the Report, and sent it to his brethren. Another was the member for the West Riding of Yorkshire; another, the member for Suffolk; another, the member for West Kent; another, the member for Stafford; another, the member for Warwick; and another, the member for Buckingham. To these were to be added the names of two Peers, Lord Radnor and Lord Seaford. They ought to look a little closer into the actual amount that was collected for poor-rates, and into the real portion of that amount from which the poor could be said to derive any relief. Eight millions was, in round numbers, the amount of the poor-rate; but, of this, the sum of 1,694,000*l.* was expended for other purposes than the relief of the necessitous and the afflicted. They ought to have it stated, plainly and precisely stated, to what purposes this sum was applied; for, in his (Mr. Cobbett's) opinion, the Game-laws, the punishment of poachers, and such like matters, had no little to do with this expenditure. Then there was the pay of the overseers, and all other sources of patronage. The amount that actually went to the relief of the poor did not exceed 5,000,000*l.* This fearful increase of the poor-rates was the theme of every tongue; nothing else was thought of. But the 50,000,000*l.* of taxes—the increase there was never complained of in that House. Why the German Legion, then in Hanover, received, and had for the last twenty years been receiving, more than the county of Bedford—the much-abused county of Bedford—paid towards the relief of the poor. Before such a Bill as that before the House were passed, they ought to go into the abuses which prevailed—into the reckless squanderings which had taken place. Why should they not? In the time of James 1st the entire poor-rate of England, according to Chalmers, did not amount to more than 160,000*l.* per annum—not so much as was now expended in the purchase of workhouse dresses. According to a return made in 1776, 16,000*l.* was the sum paid to the relief of the poor by the county of Bedford; now it was 100,000*l.* In 1776, the amount paid by the whole kingdom was 1,400,000*l.*; now it was 8,000,000*l.* Let them compare that increase with the increase in the general taxation of the country, and see how they went on together. The fact was, that the increase of taxation was the real cause of the increase of the poor-rates. And yet they railed against the poor, and abused them and insulted them. Why, they did not make the debt—they were not the cause of a twenty-two years' war to put down the Jacobins and Levellers—they were not the cause of the dead weight. Why were they to be railed against? and why were not other burthens to be reduced as well as this burthen of poor-rate? If the Legislature proceeded any further with such a measure as that Poor-laws' Amendment Bill, the people would have the right to mark them down as most inconsistent in their conduct, and most inhuman in their dispositions; and, therefore, he should consider it his duty to divide the House upon his Motion.

Lord *Althorp* did not consider it necessary to occupy the House above one or two moments. He begged to say, that he never had declared that the Poor-laws were the cause of the agricultural distress; but merely a great ingredient of it, and that the Bill, it might be fairly hoped, would go a considerable way in relieving that distress. He could safely appeal, in answer to the observations of the hon. member for Oldham, to numbers of hon. Gentlemen then surrounding him, whether they were not in a much worse state in regard to the poor and the Poor-laws than ever they were before, and whether the parties gaining most by the Bill then before the House would not be the labourers themselves? The hon. member for Oldham said, its operation would be cruel; but would it not be a benefit to the labourer to be made independent? He denied, that it was intended to be, or that it would be cruel, and he was convinced, that it would prove of the greatest possible benefit to the labourer himself. He should, of course, oppose the Motion.

Colonel *Evans* wished to know if it was a benefit to make the poor man a pauper, or if it was a benefit to the labourer to be refused assistance when he really wanted, unless he consented to enter a workhouse? He agreed with the hon. Gentleman (Mr. Cobbett), that there were many causes of the increase of pauperism which had been entirely overlooked, especially the unfair way at present adopted of raising the revenue of the country, instead of making property contribute its fair proportion. He should support the Motion for this reason—that he thought it indecent thus to press forward a measure founded on evidence, which, he would venture to state, not one person in that House had read.

Mr. *Hume* had gathered from the evidence—that to whatever part of England they turned, where the Poor-laws were badly administered, there they invariably found wages the lowest. In the north, where, generally speaking, abuses did not exist, the wages of labour were highest. He did not think the observations of the hon. and gallant Officer were just. What he looked at was this—did the Poor-laws do injury to the country? He said, that they did, and to none more than to the poor and labouring classes. He hoped the Motion would not be persevered in.

Mr. *Robinson* said, that ample inquiry should have been made before this measure was brought forward into the causes of the increase of the Poor-rates, and what it was that had produced the frightful extent of pauperism that at present prevailed throughout the country. But the noble Lord had prejudged the question by bringing in the Bill before a proper and full investigation had been gone into as to the causes that led to such a bill being at all required. He was not opposed to all legislation on this subject; but he was of opinion, that relief from taxation would go much further towards relieving all classes of the agricultural population than any Bill of this description. If taxes were reduced, the labourer would be left to depend for his support on his own unshackled industry, and would be taught to rely on his own exertions. This would be the proper mode to raise the labouring classes from pauperism and degradation, and, without it, all other means would be found to be futile and abortive.

Mr. *Petre* concurred with what had fallen from the hon. member for Middlesex. He did not think the hon. member for Oldham, who had just addressed the House, would be found to turn out a true prophet. That hon. Member had prophesied that the present Bill would not be carried into operation, and that if it should, it would be the cause of destructive consequences. Now, he would say in contradiction, that not only the Bill would be carried into operation; but that it would be seen, in the course of two or three years, that it had worked considerable good. The public would then see who was the true prophet—he or the hon. member for Oldham. He had never seen more wisdom and good advice contained in any thing than he saw in the Report of the Poor-law Commissioners.

Mr. *Hodges* said, that if the House should be pressed to a division, he would divide with the hon. member for Oldham, but after what had fallen from the hon. member for Middlesex, he thought it would be more advisable to withdraw the Motion.

Mr. *Slaney:* The hon. member for Oldham had said, that taxation was the great cause of the depression of the poor. Now, taxation was spread over all parts of the kingdom. How came it then that the poor were differently circumstanced in different parts of the country? How came it that the poor of some counties were more depressed than the poor of others? If taxation were the cause, they would be all equally depressed, whereas it would be seen that the labourer of Northumberland and Yorkshire was very differently situated from the labourer of Sussex. His opinion was, that the present Bill would place the labouring peasants of the southern counties on the same footing with those of the northern counties, and that it would save them from the depressed and degrading situation they were now in. He should oppose the Motion.

The House divided on Mr. Cobbett's Motion—Ayes 8; Noes 140; Majority 132.

List of the AYES *with the* TELLERS.

Cobbett, W.	Finn, W. F.
Egerton, W. T.	Godson, R.
Evans, Colonel	Hodges, T. L.
Faithfull, G.	Robinson, G.
Fielden, J.	Scholefield, J.

The House went into the Committee.

The 33rd Clause having been put,

Colonel *Torrens* expressed his satisfaction, that the noble Lord (Lord Althorp) had so altered the clause that rate-payers should be entitled only to one vote. He thought it desirable that the clause should receive further alteration, and that the holders and owners of property should not have more than one vote. The more the Poor-laws were left in the hands of the lower classes of rate-payers, the better would they be administered. It was for that reason that they should be put on the same footing with the owners of property, and that both classes should have but one vote for their several parishes. He should therefore move, that the 33rd clause be omitted, and that another be proposed containing the principle he mentioned.

Mr. *Hume* seconded the Motion. He thought there was another reason why the noble Lord should concur in it, namely, that it would be making the Bill more acceptable in the large parishes of the metropolis, and of the great towns. There was no part of the Bill so much disliked and opposed in the large parishes of Middlesex as that which gave the right of having accumulative votes. There was a very good reason for this dislike. The rate-payers at vestry meetings would be borne down by those persons who had more than one vote. Proprietors could not have the same interest in parish rates that tenants had, since it was the latter who paid them. It appeared to him, therefore, most monstrous that the tenants, who paid the rates, should have but one vote, whilst the proprietors, who did not contribute to them, should have several votes towards the making of them. He hoped the noble Lord would equalize the right of voting, and not allow the proprietors to over-ride the tenants.

Colonel *Evans* objected to the accumulative vote, and said, that the inhabitants of the parish of St. Martin considered that their vestry was an open one; but that, whenever they endeavoured to try the case in vestry, they were outvoted by those who voted according to Sturges Bourne's Act.

Lord *Althorp* observed, that in the altered form in which this clause now appeared, two new principles had been introduced into it—the one was, to allow the owners of property to vote, and the other was to allow them to vote by proxy. He thought, that if it was admitted that those were principles which it was desirable to introduce, it would follow as a necessary consequence, that the right of having cumulative votes should also be vested in the owners of property. It was true, that the immediate expense of supporting the poor fell upon the occupiers of the land. That was the fact, generally speaking, though there might be individual exceptions to it, and therefore they were bound to assume it in legislating for the whole country. But there was not the least doubt that the effects arising from an increase or diminution in the Poor-rates affected the landlord much more than the occupier. Owing to a variety of causes, the occupier of the soil was not so much concerned in an increase of the Poor-rates as the landlord was. He could, for instance, say to himself, "If the Poor-rates are high, my rents must be low;" and in that way he could counterbalance the evil. But the landlord was ultimately the suffering party, while at present he had not the power of influencing the management of the poor, or of voting at the vestry. He considered it an act of great injustice to deprive a man who might have the greatest interest in a parish of a vote at its vestry. It was, in his opinion, a clear principle, then, that the owners of property should have votes as well as the occupiers. Then came the principle of giving them the power to vote by proxy. In political matters it was true, that a great difference of opinion might exist as to the propriety of the principle of voting by proxy. But it was a different thing to allow owners of property, as a matter of accommodation, to vote in matters which concerned their pecuniary interest. If a gentleman who lived in Northumberland possessed the right of voting through a property that belonged to him in Cornwall, of what avail or use would that right be to him unless he could exercise it through his agent? As the Bill originally stood, the right of giving cumulative votes was continued, as under Mr. Sturges Bourne's Bill, not only to the owners, but to the occupiers of property. He would admit, that the object of introducing that into the clause as it stood originally was for the purpose of conciliation, and to render the Bill more popular. He was now, upon further consideration, ready to concede that the occupiers of property should not have the right of cumulative voting. He would not deny, that in the Middlesex parishes, as the hon. Member for that county had stated, great objections would be taken to the modification made in this clause, but then great objections would be made by other parishes, for instance the parishes in Lancashire, against taking away the right of cumulative voting from the owners of property. To exemplify the injustice of taking away that right, he would just put the case of a landlord who had in his possession the greatest portion of a parish, and who would not have more power, though he had infinitely more interest in the administration of its parochial concerns, than any of the occupiers of property in it, unless this cumulative right of voting should be granted to him. It did not appear to him that any danger would arise in the conduct of parochial affairs from granting this power to the owners of property, the great danger to be apprehended was from the occupiers of property not caring about the increase of the poor-rates. If the owners of property did not get the right of cumulative voting, it would be a matter of indifference to them to have the right of voting at all; for if they came to have only one vote for their property in the parish, they would have no power at all in the conduct of parochial affairs. For these reasons he would maintain the clause as it stood. With regard to the right of cumulative voting, proposed originally to be extended to the occupiers of property, as he did not think that it would produce that contentment which was the object of it, he thought it desirable to take it away.

Mr. *Grote* was of opinion, that the distribution of the right of voting, as proposed in the clause, would be attended with mischievous effects in town parishes. He never believed that any such conspiracy as that feared by the noble Lord would ever take place on the part of the rate-payers in the town parishes for an increase of the poor-rates, and to the detriment of the owners of property there. He would suggest, therefore, to the noble Lord to alter the clause so as to allow the right of cumulative voting to the owners of property in rural parishes, and to restrict it in town parishes. With regard to the right of voting by proxy, he considered it quite unobjectionable in this case, and he did not object to the principle of allowing the owners of property, as well as the occupiers of it, the right of voting.

Lord *Althorp* had no doubt, that in town parishes great objections would be taken to the granting of this right of cumulative voting to the owners of property, but it did not appear to him that any mischief would be produced by it. In the parish of Marylebone, for instance, Mr. Portman's having five or six votes would not enable him to overrule or overbear the rate-payers in that parish. His having such a right of voting would be a matter of no consequence to the rate-payers there. In fact, the great number of the rate-payers in the metropolitan parishes rendered it impossible that they could be overborne by the cumulative votes of the owners of property, and it was not worth while to alter the Bill to obviate the objections that might be made to this clause in those parishes.

Mr. *Baines* objected upon constitutional grounds to both the new principles introduced into the clause, and he should be astonished to find that such principles could be adopted in a reformed Parliament. Two principles more adverse to the rights of popular election and popular representation could not be suggested.

Mr. *Hawes* did not think, that either in town or country, with the Commissioners directing, as they would under the Bill, the administration of the Poor-laws, there was any necessity for returning to the provisions or principles of Mr. Sturges Bourne's Act. He trusted, at all events, that the noble Lord would consent not to apply this clause to the town parishes.

Lord *Sandon* observed, that under Mr. Sturges Bourne's Act, which had been adopted in the town of Liverpool, the rates had been reduced one-third. He was afraid, that if even the clause in its amended shape should be passed, that parish would return to its former riotous state, and the rates would be increased. He would rather have the clause as it stood originally than have a new right of voting created. He considered as odious the principle of voting by proxy. It would excite a very strong feeling when it was conjoined with the right of cumulative voting against the Bill in populous places. Under the circumstances, he would rather vote against the clause altogether.

Mr. *Jervis* observed, that in the town of Chester, where the Poor-laws were administered according to the old constitutional mode, they were as well administered as in any part of the country. Every person who had a right to vote had as much interest, and should have as much power, in the management of the Poor-laws as any of the owners of property. He was against the introduction of such new and unconstitutional principles. The noble Lord not only proposed to give the right of cumulative voting, but also the right of voting by proxy to the owners of property, at the very moment when there was a notice on the Journals of the other House of a Motion to take away the unconstitutional right of voting by proxy there.

Lord *Howick* remarked, that the only purposes for which the right of voting would be vested in the owners of property were two. First, voting in the election of guardians of the poor, and secondly, in deciding on adopting or rejecting certain rules proposed to them by the Central Board. Their votes would have nothing to do, as at present, in the management of the poor-rates. Now, surely no persons could be more interested in electing proper guardians of the poor than the owners of property. The noble Lord instanced the example of Scotland, where the heritors having votes had been productive of the most beneficial effects in the administration of the Poor-laws.

Mr. *Cripps* was of opinion, that such a clause, at least as regarded country parishes, would be, generally speaking, just and equitable—he did not say, that it would be popular, for he did not like the word. They would all agree that the Chancellor of the Exchequer should act justly, and if his doing so should render him unpopular, blame did not attach to him.

Mr. *Gisborne* was of opinion, that no owners of property should be allowed to vote whose property would not revert to them within a given period—say fourteen years. He thought, for instance, that owners of property who had it leased out for twenty-one years should not have the right of voting.

Mr. *Benett* observed, that leases for twenty-one years were very uncommon in England, and they were unknown in his part of the country. The tenants there were generally tenants-at-will. He hoped that the clause would not be given up, as he looked upon it as the best clause in the Bill.

Mr. *Cobbett* hoped, if the Bill passed, this clause would remain in it; as then it would tell every man in England what was the object of the measure—namely, to cause the landlords to receive more, and the labourers to receive less. [" *No, no.*"] He liked to hear hon. Gentlemen say no, no, to that, but he would maintain that if the Bill passed with this clause in it, that would be the character which the people of England would universally ascribe to this measure. In no less than twenty-five parishes in the county of Sussex, the Select Vestries had, in consequence of the dissensions created by the operation of Mr. Sturges Bourne's Act, dissolved themselves and existed no longer. He hesitated not to say, that Mr. Sturges Bourne's Act, created the riots in the neighbourhood of Winchester, and in the county of Sussex. Great as had been the innovation upon the rights of the parishioners by the operation of this Act, yet it was now contemplated to take away the remaining rights of the tenants and give them to the landlords. He supposed this was the consequence, and in accordance with that march of the spirit of the age which had been adverted to by a noble Lord in another place. He did not know whether it might be in accordance with the spirit of the age, but he was satisfied such a concession was not in accordance with the feelings or spirit of the people of England. Though he felt convinced that the present Bill, even if it were passed, would not succeed, yet he hoped, that at all events, the present clause would be allowed to remain in it. If the hon. and gallant Member chose to divide the House, he would not vote with him, because he thought the Bill was so bad that it could not be mended. The present clause, however, as it stood went far to defeat many objectionable portions of the Bill, which in itself was an act of studied tyranny. He was surprised to have heard what had fallen from the hon. member for Bradford, acute and sensible as was that hon. Gentleman. The hon. Member had said, that the poor-rates were finally paid by the landlord. He denied the position, for he contended that the poor-rates were ultimately paid neither by the landlord nor his tenants, but by those who purchased and consumed the sacks of wheat and corn. It might as well be said, that he (Mr. Cobbett) paid his forty sovereigns for the stamps on his newspaper—those sovereigns neither came out nor went into his pocket, but to the Exchequer from the pockets of his purchasers. He repeated his hope, that the clause would be permitted to remain part of the Bill, as the effect of it would be to make the measure inoperative.

Lord *Althorp* expressed his disinclination to withdraw the clause, though he admitted that a distinction existed between rural and town districts. But it should not be forgotten, that the clause only affected three branches of the duties of a vestry, namely, the election of guardians of the poor, the effecting the union of parishes, with a view to the Law of Settlement, and lastly the building of workhouses. On these important occasions, the owners of property being as they were the most interested in every parish, it was desirable to give them some additional weight upon such questions as were brought before the vestry for a decision. In town parishes it must be admitted that the rate-payers were very numerous, and the cumulative right of voting given to a few individuals could not create any preponderating influence in such districts. He thought the objection in towns to the clause was really more matter of feeling than anything else, and that as a benefit would be conferred by its enactments upon rural districts, as was generally admitted, he could not but think it was desirable to retain the clause.

Mr. *Grote* said, that if the noble Lord could show how a distinction could be made in the operation of the clause between rural and town districts, he would support it as it now stood. In the absence of such demonstration he hoped the noble Lord would take the provisions of the clause into further consideration, and at present consent to postpone it.

Sir *Thomas Freemantle* thought the objection which had been taken to the clause had been much magnified; and so far from agreeing with some of those objections, he was of opinion that to the landlord should be preserved that influence, on great and important questions, which were retained in the clause as amended by the noble Lord, the Chancellor of the Exchequer.

Colonel *Torrens* admitted, that the system of voting as proposed would be beneficial to the rural districts, but hoped that the clause would be allowed to stand over for further consideration.

Mr. *Brotherton* said, that he could see no beneficial result likely to arise from the landlords or owners having a plurality of votes. As far as his experience (which was principally confined to towns) went, he found that the smaller rate-payers were the most in favour of economy. If the object of the Bill was to reduce the rates, the means proposed would not conduce to the end. He thought, that if proxies were allowed, they should be confined to inhabitants, who would feel an interest in the welfare of the poor of these districts; for it would create great dissatisfaction if a number of persons from an adjoining township should come down with proxies and overrule the resident rate-payers.

The Committee divided on the Amendment: Ayes 35; Noes 128—Majority 93.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Baines, E.
Beauclerk, Major
Briggs, R.
Brocklehurst, J.
Brotherton, J.
Clay, W.
Evans, Colonel
Evans, G.
Ewart, W.
Faithfull, G.
Fielden, J.
Fryer, R.
Gaskell, D.
Hawes, B.
Heathcote, J.
Hume, J.
Humphery, J.
Jervis, J.
Kennedy, J.
Lalor, P.
Langstone, J. H.
Lister, E. C.
Oswald, R. A.
O'Bryan, C.
Philips, M.
Poulter, J. S.
Robinson, G. R.
Scholefield, J.
Tancred, H. W.
Tennyson, Rt. Hn. C.
Thicknesse, R.
Vigors, N. A.
Wason, Rigby

TELLER.

Torrens, Colonel

Mr. Jervis afterwards moved, "that that part of the clause which relates to proxies be omitted."

The Committee again divided: Ayes 30; Noes 125—Majority 95.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Baines, E.
Beauclerk, Major
Bewes, T.
Brotherton, J.
Buller, E.
Clay, W.
Collier, J.
Ewart, W.
Faithfull, G.
Fielden, J.
Fryer, R.
Hawes, B.
Heathcote, J.
Hume, J.
Humphery, J.
Jervis, J.
Lalor, P.
Lister, C.
Madocks, J.
Oswald, R. A.
Robinson, G. R.
Scholefield, J.
Tennyson, Rt. Hn. C.
Thicknesse, R.
Vigors, N. A.
Wallace, T.
Williams, Colonel
Wilbraham, G.
Wood, Alderman

Clause 33 was then ordered to stand part of the Bill.

On the Question that Clause 36 should be agreed to,—

Mr. P. Scrope moved, that a proviso should be added to the clause, to the effect, that no officers appointed under the Act should be authorised to put poor persons into any place considered a workhouse, for the purposes of the Act, unless it had been previously ascertained to be fit for their reception by the personal inspection of two Justices of the Peace, or by the report of other persons, made on oath to them; and, further, that in the event of the said Justices being of opinion, that the place was not in a fit condition for the reception of poor persons, they should be empowered to order them to be relieved out of the workhouse.

Lord *Althorp* opposed the Amendment as unnecessary. The Commissioners would have the power to make the proper regulations for workhouses.

Mr. *Halcombe* condemned the cruel practice of separating a man from his wife in the workhouse; it was opposed to humanity, and contrary to the dictates of the highest authority. It could not be denied, that the circumstance to which he alluded was felt most acutely by those whose only crime was their poverty. On more than one occasion, lately, there had been rebellion in different workhouses on that very account. He had known instances in which the enforcement of this regulation had almost broken the hearts of those to whom it was applied.

Lord *Althorp* said, that the separation of man and wife was necessary, in order to ensure the proper regulation of workhouses.

Mr. *Hodges* wished to know, whether the workhouses under the Act were to be district houses of correction, and whether the Commissioners would have the power to erect treadmills in them?

Lord *Althorp* said, that the workhouses would be managed as they were at present, but more strictly; care would be taken to prevent disturbance which might annoy the sick and infirm. The hon. Member need not be under any apprehension with respect to the erection of treadmills in the workhouses, because, if he remembered rightly, they could not under the Act be erected in any places except gaols. He could assure the hon. Member, that there did not exist the slightest intention of making the workhouses houses of correction, and measures would be taken to maintain regularity and good order, and that he believed would have the effect of excluding ill-conditioned persons.

Sir *H. Willoughby* observed, that although the Poor-law Commissioners in their report stated, that where a large number of persons were congregated in a workhouse, it was impossible to prevent the rapid extension of vicious feeling, they singularly enough concluded by recommending the establishment of the system.

Mr. *P. Scrope* mentioned the case of a poor tinker, eighty years of age, who accompanied by his wife aged seventy, sought relief at a workhouse in the country, but being told that he must enter the house, and be separated from his wife, he went away. Shortly after, impelled by hunger, he returned and entered the house, but died in a few days of a broken heart.

Mr. *Benett* objected to the discretionary powers given to the Commissioners, of sending labouring men to the workhouse, because they might happen to want relief on any temporary occasion, or to make up his means. A man might thus be deprived of the advantage of earning 8*s*. per week, which would be a hard case; the more so, when it was considered, that when once in the workhouse, it would be difficult for the pauper to get out again, even if work were offered to him. His cottage would be in some other person's occupation, his furniture gone; and, unless the parish replaced both, the man must stop where he was.

The Amendment was withdrawn, and the Clause agreed to.

On Clause 45 being read,

Mr. P. Scrope moved, as an Amendment,—"That no rule or order of the Commissioners should prohibit the guardians of unions from giving relief out of the workhouse to such of their sick or impotent poor, and to such widows, orphans, and illegitimate children, as they might think fit so to relieve.

Lord *Althorp* said, he should like to know what part of the Bill deprived the guardians of those powers?

Mr. *P. Scrope* said, his object was to prevent the Commissioners from issuing any prohibition to that effect, which, under the powers bestowed on them in the Bill, they might.

Clause postponed—House resumed—Committee to sit again.

Four-per-Cent Annuities.] Lord *Althorp*, in moving the Order of the Day for the House to go into Committee on the Four-per-Cent Annuities Payment Bill, said, he was fully prepared to redeem such portion as the holders might dissent from, according to the proposition which he had to make. Since he had made his former statement, a greater number of dissentients had announced themselves, than at that time he had calculated upon; still he should be prepared to meet them, though their number was stated to be 969, and the amount they held 4,600,000*l*. [The House went into Committee.] The noble Lord then moved the following resolution:—"That it was the opinion of that Committee, that the Commissioners for the reduction of the National Debt should be authorised to pay off all holders of Four-per-Cent. Annuities, who might dissent in the manner specified in the resolutions of that House of the 12th of May, 1834; that such Commissioners should so pay off such annuitants, according to the mode set forth in said resolutions, and out of such monies, stock, or Exchequer, as might be deposited in their name in the Bank of England, or monies that might be invested on account of Banks for Savings—such stock so redeemed to vest in the said Commissioners." He observed, that thus the holders of Four per Cent. Annuities would be paid off on the 10th of October next.

The House resumed, and Bill ordered to be brought in.

Polish Exiles.] Lord *Dudley Stuart* rose for the purpose of moving, that an Address be presented to his Majesty, praying that a sum of 10,000*l*. be granted for the relief of the distressed Polish refugees;

and respectfully assuring his Majesty, that the House would make good such sum. To such a proposition he could not anticipate any opposition. Other countries, France particularly, had set England an example worthy of imitation.

Mr. *Thomas Attwood* suggested, that 10,000*l.* was too small a sum. It would not allow each Pole to receive 10*s.* a week for twelve months. He thought that 16,000*l.* ought to be granted.

Lord *Althorp* thought the sum proposed by the hon. Member who had just sat down would be, indeed, very extravagant. He did not think 10,000*l.* was too small a sum. He had but one question to ask of his noble friend. His noble friend had calculated the 10,000*l.* to serve the distressed Poles at present here for the space of twelve months. Now, he wished to ask his noble friend, if any of the Poles were to leave the country during the twelve months, would the whole of the 10,000*l.* be required? He thought also, that the Poles who were here might find some means of employment by which they might be enabled to support themselves, or, at all events, to contribute in some measure to their own support.

Lord *D. Stuart* agreed with the noble Lord, that it would be only right that the Poles should, whenever they had an opportunity, seek by employment to support themselves. He could assure the House, that he believed these high-spirited men would infinitely prefer earning a subsistence, to deriving it from the gratuitous kindness of the English people.

Motion agreed to.

REGISTRATION OF VOTERS.] Lord *John Russell* rose to move for leave to bring in a Bill, for the more effectual Registration of persons entitled to vote in the election of Members to serve in Parliament in England and Wales; and though it would be necessary to alter many clauses of the existing Bill, yet the original principle of that measure would remain unaltered. At that stage of the proceedings, however, he did not intend to trouble the House at any length. It had been found, that in consequence of leaving to the overseers the uncontrolled duty of registration, they had acted frequently upon their own notions, and in many places, especially in the county of Somerset, they had been very negligent in the discharge of their duty. It was proposed, therefore, to follow the practice of which they had an example in the Jury Bill, by which the Clerk of the Peace in counties should issue his precept at certain periods to the overseers to make out the lists of the names of the voters. With regard to boroughs, it was proposed, that the Town Clerk, instead of being obliged, as he now was, to put up the names and places of abode of freemen, should put up the notices of any new claims of parties to vote at elections of Members of Parliament, in the way which was practised with reference to the freeholders of counties. In the registration of towns it was proposed, that persons rated to the poor, instead of paying every year, should only pay one shilling the first time they should have their names put on the list, as in the case of county voters. There were, likewise, some provisions to prevent making frivolous charges and objections. With respect to this point, it was proposed, that if a person claimed the right to vote, the Barrister should have the power to decide; and, that if a party should make frivolous objections to a person claiming to vote, in such case the Barrister should have the power to allot costs to the person against whom such frivolous objections might have been made. Then there were the provisions of the Bill with respect to registration; and it had been his desire to make as few alterations as possible. There were, indeed, one or two points in which it had been necessary to make a change. At the time of the Reform Bill passing through the other House of Parliament, an Amendment, (in the Qualification Clause) was carried, which introduced the words, "or other building." This proviso had given rise to many complaints to the House: many abuses having arisen to the manifest injury of those persons who were intended to be benefited by the Reform Bill. He alluded to the practice of erecting sheds, or temporary buildings, in order to confer the right of voting on persons who were not substantial, but merely nominal and dependent, voters. With this view, it had been the endeavour of the framers of the Bill to define as clearly as possible what those buildings should be, which he thought would prevent the present abuse. There were some other clauses upon which many doubts existed. He would not go further into the matter, as the whole measure would be better understood in a future stage. The noble Lord concluded by making the Motion he announced at the beginning of his speech.

Mr. *Wynn* said, he would not object to the introduction of the Bill of the noble Lord; but he certainly regretted that it had not been introduced much sooner, when it might have been more considered. He much feared that there would not be time this Session to give a Bill of such importance the consideration it deserved.

Mr. *Pryme* thought, that no voter should be disfranchised from the fact of his removing from a place within the limits of a borough, to a place without them; he hoped, too, that though a party might not occupy the same messuage or tenement, his right should remain unprejudiced for a certain period.

Mr. *Walter* said, that the subject of the noble Lord's Bill, was one of which he happened to possess some practical knowledge, and he was glad to find, that the Bill would be rendered applicable to an evil which he himself had experienced. One of the expenses to which he had been subjected was, the humbug claim of thirty-seven fictitious voters, who had registered themselves in fourteen different parishes; thus he had 518 objections to take against parties who had not the slightest claim in the world. But the notices being incorrectly served in one parish, one half of these spurious voters actually polled against him. Last year, however, he expelled the whole of them. He put it to the House, therefore, whether some penalty ought not to attach to offences of this description, more especially where the attempt had been repeated? A case of this sort had occurred in the person of a young gentleman named Somerset, the son of Lady Arthur Somerset, who twice offered himself as the occupier of a house, which, it appeared, belonged to his mother. He mentioned this without the feeling of pique at the present moment, but allusion having been made to the expenses incurred at the Berkshire election, he considered it was but fair to show by what methods these expenses had been really accumulated.

Mr. *Ewart* suggested, that it would be an improvement, if the time of polling in boroughs was shortened. By a better arrangement, the poll might be taken in one day.

Lord *John Russell*, in reply, observed, that, with reference to the suggestion which had been thrown out as to shortening the duration of the polling, he thought the matter worthy of consideration; and that, if any alteration were to be made, it ought to be introduced as a separate measure. He much doubted, however, whether if the time of polling were curtailed, many tricks and deceptions would not be resorted to.

Leave given, and the Bill was brought in and read a first time.

HOUSE OF LORDS,

Tuesday, June 10, 1834.

MINUTES.] Bill. Read a third time:—Equitable Apportionment.

Petitions presented. By Lord ROLLE, from two Places, against the Claims of the Dissenters; from Otterton, against the Separation of Church and State.—By the Marquess of BRISTOL, from two Places, for Protection to the Established Church, and against the Claims of the Dissenters; from Coleshill, against the Admission of Dissenters to the Universities.

HOUSE OF COMMONS,

Tuesday, June 10, 1834.

MINUTES.] New Writ ordered. On the Motion of Mr. C. WOOD, for Edinburgh, in the room of the Right Hon. JAMES ABERCROMBIE, Master of the Mint.

Petitions presented. By Mr. BARNARD, from Greenwich and Deptford, for Relief to the Dissenters, and against Church Rates.—By Lord SANDON, from Liverpool, in favour of the Lord's Day Observance Bill; against the Reciprocities of Duties Act; also for a Measure to regulate Emigration.—By Mr. HALL DARE, from three Places, for Protection to the Established Church; from a Number of Places, against the Claims of the Dissenters; and from three Places, against the Universities' Admission Bill.—By Sir JOHN HANMER, Mr. MARK PHILLIPS, Mr. E. STEWART, and Mr. HODGES, from several Places, against the Poor Law Amendment Bill.

The Speaker took the Chair at 12 o'clock as usual; and it having been previously settled, that the House should at its early sittings, proceed with the Poor-laws Amendment Bill,

Lord Althorp moved the Order of the Day, and the House resolved itself into Committee on this Bill.

POOR-LAWS' AMENDMENT — COMMITTEE.] The 45th Clause was put.

Mr. *Poulett Scrope* rose to propose the amendment of which he had given notice. By this Clause of the Bill it was provided it should be lawful for the Commissioners, by such orders or regulations as they should think fit, to declare to what extent the relief to be given to able-bodied persons or their families may be administered out of the workhouse of the parish, &c. At present, this power was placed in the hands of the justices of the peace, but, it was now proposed to take it from them, and to vest it in Commissioners who would be resident in London. He thought the objections to this alteration were very great, and he proposed that the power should remain with those who were on the spot, who, he contended, were much better able to decide in what cases relief ought to be administered. By this Clause, if a labouring man fell sick, or was deprived by other causes of his ability to support his family, and required a little temporary relief, he would be driven with perhaps a large family, into the workhouse, from which it would be impossible to say when he would return. This would be a very great hardship, and he was fearful would be attended with the most injurious consequences. For example, let the House conceive the case of the sudden stoppage of any large manufactory, from the failure of the owner, or from any sudden revulsion of trade. If the men so thrown out of work, could obtain no relief unless they went into the workhouse, they must be either starved or degraded and ruined for ever. In this commercial country unfortunately, such cases were of frequent occurrence. A similar observation applied to widows, to orphans, illegitimate children and others, who for a little temporary relief, which could be administered at the discretion of persons on the spot, might be confined to the workhouse for the rest of their days. The next objection to the Bill was, that it proceeded on a false principle of economy, for by forcing a whole family to seek protection in the workhouse, expenses to a much greater extent must be necessarily incurred to the parish, than if they were relieved at their own home. The temporary relief required would be small, but by being confined to the workhouse, they would be prevented from obtaining employment, and consequently remain a much longer period a burthen upon the parish. Besides, in many instances the members of the same family might be separated and placed in different workhouses, by which means the expense would be greatly augmented. Another necessary effect of this Clause would be, considerably to increase the number of inmates in workhouses. Persons of good character, by being driven to the workhouse from want, must necessarily mix with the mass of all sorts of persons who would be congregated there; they would thereby become greatly demoralized; they would acquire habits of indolence, and being unable to extricate themselves, the whole country would ultimately become pauperized. No one was more anxious than he was for an amelioration of the present system of Poor-laws, but he thought the pressure of the rates was greatly exaggerated in many quarters. The increased value of the revenues of the country was in a much greater proportion than the increased charge for the support of the poor, and the relative proportion of the amount of poor-rates to the population of the country was no greater now than it was in the year 1688. The hon. Member concluded by moving as an amendment, "that no rule or order of the Commissioners shall prohibit the guardians of unions from giving relief out of the workhouse to such of their sick or impotent poor, and to such widows, orphans, and illegitimate children, as they may think fit so to relieve."

Lord *Althorp* was understood to say, that it had been supposed by the hon. Member who had just addressed the House, as well as many other hon. Members, that this Bill was not intended to improve the condition of the poor, but merely to afford relief to parishes. The great object of the Bill was to improve the condition of the poor; and if he thought it would not produce that effect, as well as be a relief to the parishes, he should certainly not support it. It was not merely for the House to consider what was the amount of the poor-rates compared with the population of the country since 1688; the question was, whether it would be practicable by this Bill to give the Commissioners the power in every case to say whether relief should be given at the workhouse or not. If by this Bill the House were to say that either now or at any future time relief should not any longer be given out of the workhouse, he should consider with the hon. Member that the Bill would go a great deal too far, and would be attended with bad consequences. But the Bill did nothing of the kind. The Clause under discussion did not give such a power to the Commissioners as the hon. Member described; if it had any effect, it diminished that power. It appeared to him so unimportant at one time, that he had almost intended not to persevere in it. With respect to relief being given to persons who were sick, to orphans, or widows, or others who might require relief out of the workhouse from some temporary cause, a distinct provision was made. All the cases put by the hon. Member came under this provision, for they were clearly cases of emergency. But if the House were to look at the state of workhouses, as they at present existed, and the crime and degradation which now prevailed in them, he could easily understand the objection of the hon. Member to sending widows, orphans, and children to them. But, under a good regulation of the workhouses, which he trusted would be the result of the present measure, he did not think in such cases, where persons were really destitute, there would be any objection to relief being given only in them. Wherever the workhouse system had been introduced under good regulations, so far from their being objected to by the poor of the parish, the persons who had introduced that good system, and who presided over the workhouses, had become extremely popular with the paupers. As an illustration of this, the noble Lord referred to the parish over which the reverend Mr. Whateley presided. The question he conceived to be, whether the House should say the Commissioners should in no case have the power to prevent relief being given out of the workhouses. He thought it desirable that they should possess that power. He knew they had given great discretion to the Commissioners by this Bill, but it was to be exercised subject to great responsibility. Such being the case, he hoped the House would not agree to the Amendment of the hon. Member.

Mr. *Cobbett* said the Bill gave all manner of power to the Commissioners without limitation; the House would give them power to do that which no hon. Member would do. The hope was to make the landlords what the heritors were in Scotland, by means of three Commissioners, who were to be stuck up here in London to bear all the blame. He wanted to know what was intended by the present Bill? It would be supposed from what was last night stated by the noble Lord, that the only object was to reduce the rates. [Lord *Althorp:* I never said that.] Well, then, it was one of the objects of the Bill. But the fact was, that all the gentlemen in the country had declared that such a Bill was not wanted, and could not have such an effect. What was to be done, according to the recommendation of the Report? No relief was to be given to able-bodied men out of the workhouse; and if placed in it, husbands were to be separated from wives, and parents from children, and no communication was to be allowed between relation and friend. Besides this, they were to wear a badge; in short, the object was, to render the attainment of relief so irksome that they might be deterred from seeking it. Was that legislating for the protection and benefit of the poor? He should like to know what power the House had to pass such a law, and, before the discussion was closed, he would put that power to the test. The noble Lord had said a great deal about the Scotch Poor-laws, and that there were no paupers in Scotland. But there were not a few Scotch vagrants who flocked into this country, and put it to immense expense in sending them back again. But where would the English vagrants go for relief when the cruel Scotch heritor system was adopted here? In Scotland the poor were starved, which he could prove on credible evidence; and he had a letter before him, stating that where there prevailed a disposition to relieve the poor, it could not be done without having recourse to the provisions of the Cholera Act. He trusted the hon. Member would divide the House on the Amendment.

Mr. *Wolryche Whitmore* hoped the House would not agree to the Amendment. The hon. member for Oldham said, one object of the Bill was to get rid of a portion of the taxation of the country. Undoubtedly it was; but when the hon. Member said, it would all go into the pockets of the rich, he begged to remind him, that these laws equally pressed as heavily upon the middle classes as upon the rich; and he believed, that the passing of the law would not do so much good to any class as to the superior and well-behaved workman himself. Unless some stop were put to the evil, the poor themselves would, in a very few years, be the greatest sufferers.

Mr. *Mark Philips* was of opinion that, in large manufacturing towns, when it happened, from any accidental circumstances, to be impossible immediately to find employment for the poor, the operation of this clause would be very injurious. Before the labourers went to the workhouse they would be compelled to sell all their furniture, hand-looms, &c.; and, having disposed of everything they possessed before they obtained relief from the workhouse, they would have no prospect of ever returning to their work, as the most they would be allowed was a penny a-day from the workhouse. It would, therefore, be three years before they had even a bed to lie upon, and they might never be able to obtain a loom, which was the means of getting their livelihood. All this evil might be averted by a temporary relief out of the workhouse.

Lord *Althorp* said, the next clause of the Bill would be found to apply to such cases as the hon. Member had alluded to.

Mr. *Grote* said, the Amendment went to this—to give the guardians of the poor the power to say, what relief should be given in a parish and what should not, and the House had to decide whether the discretion should be placed in the hands of the Commissioners, or whether it would be better to intrust it with the guardians of the poor. Agreeing, as they all did, that some relief should be given out of the workhouse, and as the power must be intrusted somewhere, he thought the House would perpetuate the evils the Bill proposed to remedy, if that power were given to those who had hitherto exercised it so much to the injury of the country. He, therefore, hoped the House would not agree to the Amendment.

Mr. *Halcombe* said, the House would be forgetful of the legitimate object of Poor-laws if it placed such a power in the hands of the Commissioners. They had seen, from the Report, what views were entertained by the Commissioners on the subject of affording relief to the poor, and they had every reason to suppose, when the power was given to them, it would be exercised in conformity with those views. With respect to orphans, he put it to the House whether it would not be consistent, with justice and humanity, to pass some enactment allowing relief to be given them out of the workhouses?

The Earl of *Darlington* supported the Amendment. It was not, in his opinion, inconsistent with the general provisions of the Bill, which, he believed, would be found to work beneficially for the poor themselves.

Mr. *Benett* thought, that the guardians, being better acquainted with the characters of the poor in their respective districts than the Commissioners, ought to have the power of deciding to what individuals out-door relief should be given. He believed that, if the Amendment were carried, it would have the effect of conciliating the feelings of the poor. To adopt it was also desirable on economical considerations; for, in many instances, the aged poor were content to receive half-a-crown a-week from the parish funds in aid of their maintenance out of the workhouse, whereas, if they were compelled to reside within the workhouse, a much larger sum of money must be expended in their support.

Mr. *Hawes* admitted, that the poor-rates had decreased during the present and last year, but this decrease was attributable to the attention which had been bestowed on the administration of the Poor-laws in consequence of the inquiries of the Commissioners. Certainly no class of persons were more dissatisfied with the existing mode of administering relief to the poor than the poor themselves, as abundantly appeared from the Report of the Commissioners. He was in favour of giving to the Commissioners the discretion proposed to be vested in them by the present clause; for, considering their responsibility to that House, and the publicity which must attend their proceedings, he did not fear, that they would abuse the power intrusted to them. He believed, that the putting an end to out-door relief was an act of humanity.

Mr. *Slaney* would be ready to admit the force of the hon. member for Lambeth's observations, if they were confined to the practice of giving relief out of workhouses to able-bodied labourers. But the Amendment of the hon. Member (Mr. Poulett Scrope) had no reference to that practice, having only for its object to create an exception in favour of the aged, infirm, and impotent poor. So far he (Mr. Slaney) was willing to go with the hon. Member; but with respect to orphans and deserted children, he thought that they were the very persons who ought to be sent—not to poor-houses as at present managed—but to well regulated workhouses, such as were likely to be established under the proposed system.

Lord *Althorp* said, that the clause, as it stood, effected exactly what the hon. Member contemplated by his Amendment; for it contained a proviso enabling the guardians of the poor in all cases of emergency to depart from the regulations of the Commissioners, but requiring that, within fifteen days after every such departure, they should report the same, and the grounds thereof, to the Commissioners. With respect to widows, he saw no objection to placing them in workhouses, if those workhouses were well regulated. The question then was, in whose hands should the discretion of granting or withholding out-door relief be placed. He admitted, that the guardians were likely to have great local knowledge; but it should also be recollected, that they were not unlikely to be influenced by intimidation, particularly in pauperized districts. This, then, was a good reason for giving the proposed discretionary power to the Commissioners in preference to the guardians.

Sir *Henry Willoughby* would support the Amendment, and only regretted that it did not also include the aged poor. He did not think it fitting to give any person the power of confining the whole of the aged poor of the country in workhouses. Neither was he of opinion, that the guardians of the poor were proper persons to be intrusted with the discretion it was proposed to give them. They were interested parties, and would be disposed to keep down the poor-rates. He, therefore, thought, that some local authority should be established to transmit the complaints of the poorer classes to the Central Board in London.

Colonel *Wood* said, that, in the county which he represented, there existed no workhouses; but he should vote for the present clause, because he believed, that the Commissioners would not order the erection of workhouses in those parts of the country where they were not called for.

The Committee divided on the Amendment: Ayes 40; Noes 148—Majority 108.

List of the AYES.

Attwood, T.
Benett, J.
Bethell, R.
Briscoe, J. I.
Brotherton, J.
Collier, J.
Cripps, J.
Davenport, J.
Duncombe, W.
Egerton, W. T.
Faithfull, G.
Fancourt, Major
Feilden, W.
Fenton, J.
Fielden, J.
Gaskell, D.
Godson, R.
Halcombe, J.
Hardy, J.
Hodges, T. L.
Irton, S.
Langston, J. H.
Mills, J.
O'Connor, F.
Price, R.
Robinson, G. R.
Scholefield, J.
Slaney, R. A.
Thicknesse, R.
Throckmorton, R.
Tower, C. T.
Vernon —
Walker, R.
Wallace, R.
Walsh, Sir J.
Walter, J.
Wilbraham, G.
Wilks, J.
Williams, G.
Willoughby, Sir H.

TELLERS.

Scrope, P.

Mr. *Edward Buller* proposed an Amendment to relieve the guardians of the poor from the obligation of paying out of their own pockets the expenses incurred by them in granting out-door relief, unless those expenses were sanctioned by the Commissioners.

Lord *Althorp* opposed the Amendment, but thought the subject worthy of consideration. Perhaps it might be possible to effect the hon. Member's object in some unobjectionable manner.

Mr. *Cobbett* said, the whole object of the Bill was, to deter the poor from seeking relief. He had heard of an overseer in Sussex who cut off the hair of two women who applied to him for relief, put degrading badges on them, and in this condition marched them through the village to the parish church. Now, the Commissioners recommended that badges should be put on the paupers; and, though they did not recommend the cutting off the hair of those who applied for relief, yet give them but the power, and they would soon turn head-shavers. During the riots in the agricultural districts, these head-shaving overseers did not escape punishment; and it was with great pleasure that he heard of the manner in which they were treated by the people. He intended to propose, as an Amendment to the present clause, a proviso prohibiting any regulation being made for separating the male pauper from his wife or children, or for shaving the heads of, or for putting odious badges on, poor persons applying for relief.

Mr. Bernal (the Chairman) stated, that the hour had arrived (3 o'clock) when it was necessary to adjourn.

The House resumed, and adjourned.

ASSESSED TAXES.] On the House meeting again in the evening,

Sir *Samuel Whalley* rose to bring forward his Resolution for the repeal of the whole of the Assessed Taxes. The hon. Member complained of the unequal pressure of the Assessed Taxes on those who kept carriages, horses, and servants. One of the Assessed Taxes was on horses above a certain standard. The effect of this was, that, to get horses of a size below that standard, the excellent breed of that useful animal the English pony was discouraged; the breed had become greatly deteriorated, and we now had a race of Shetland ponies, some of them not much larger in size than a good Newfoundland dog. It was absurd, he contended, to let the tax fall on the horse according to his height, as it prevented many from keeping a horse which would be of real use to them. The unequal pressure of the taxes was the cause of driving many persons with large families to the continent, where they spent their incomes, which would be of vast service to their country if spent at home. The man of property who remained at home, and kept up his establishment, was made to pay exorbitantly, while another man of even still larger property, who was niggardly and mean, and lived in lodgings, was almost wholly exempt from direct taxation. He, therefore, would recommend a Property-tax; and to avoid all inequality and injustice, he would suggest, that all persons should make a return of the amount of land they held, the rent they paid, if any; and in that way the value of the property might be easily ascertained. The landlords, of course, ought to be allowed to make deductions for all mortgages and rent-charges. The amount of every man's funded property might be easily ascertained. Thus, he apprehended, the tax would be deprived of its disagreeable inquisitorial character, since no man need make disclosures, and the evasions would be inconsiderable. As he was not, however, competent, from ill-health, to the task he had undertaken, he would leave it in the hands of the hon. member for Worcester, who had an Amendment to propose upon his Motion, which he would submit to the House in the following form:—"That, as the Assessed Taxes are prejudicial to the home trade and manufactures of this country, and as their pressure occasions persons of moderate fortunes to spend their incomes abroad, it is expedient that they should be repealed, and the deficiency in the revenue supplied by a tax upon real property, securities on real property, and the public funds.

Mr. *Robinson* then brought forward his Amendment; and, after remarking upon the position in which he was accidentally placed, called the attention of the House to the fact, that last year he had been supported in a proposition similar to that he was now about to introduce, by 157 Members. A strong presumption was thus afforded, that at that time there existed a very general opinion that a great change ought to be made in the system of taxation.

Mr. Gisborne moved, that the House be counted; and, there not being forty Members present, it was adjourned.

HOUSE OF LORDS,
Wednesday, June 11, 1834.

Minutes.] Petitions presented. By Lord Howard of Effingham, from Sheffield, for Freedom of Religious Worship.—By the Earl of Courtown, and Lord Bexley, from several Places,—for Protection to the Established Church.—By the Earl of Harewood, from Kibworth, against the Claims of Dissenters.

HOUSE OF COMMONS,
Wednesday, June 11, 1834.

Minutes.] New Writ ordered. On the Motion of Mr. Charles Wood, for Wexford County, in the room of Robert Shapland Carew, Esq., now Lord Carew.

Bill. Read a second time:—Friendly Societies.—Read a third time:—Sale of Hay.

Petitions presented. By Lord Stormont, and Mr. Wynn, from several Places,—against the Claims of the Dissenters. —By Mr. Hardy, from Bradford, for the Repeal of the Duty on Olive Oil.—By Mr. Madox, from Rhuabon, for Protection to the Established Church.—By Mr. Bowes, from several Places, against Drunkenness.—By Mr. Handley, and Mr. Briscoe, from several Places,—against the Proposed Measure of Church Rates.—By the Earl of Kerry, Lord Dalmeny, Viscount Milton, Sir Robert Peel, Mr. Shepherd, Mr. Miles, and Mr. Scott, from a Number of Places,—against the Separation of Church and State.—By Sir Robert Peel, from Perth, against the Alteration in the present System of Church Patronage in Scotland; from two Places, against the Poor Law Amendment Bill—By the same, and Lord Milton,—in favour of the Lord's Day Observance Bill.—By Mr. Frederick Shaw, from the Fishermen of Carrickfergus, for Relief.—By Lord Dalmeny, from Gangunnock, for Protection to the Church of Scotland.—By the Earl of Kerry, and Sir Robert Peel, from several Places,—against the Claims of the Dissenters.—By Mr. Plumptre, from Tavistock, in favour of the Religious Assemblies Bill.—By Sir Robert Peel, from several Places, for Protection to the Established Church.—By Mr. Clay, from two Metropolitan Parishes, for Amending the Sale of Beer Act.—By Mr. Haliburton, from the Handloom Linen Weavers of Cupar, &c., for a Board of Trade; from Brechin; and by Sir Robert Peel, from Dunblane, for an increased Stipend to Parochial Schoolmasters.—By Lord Acheson, from Medical Practitioners in Armagh, against certain Monopolies; from Clare, for the Abolition of Tithes.—By the same, and Mr. Haliburton, from several Places,—against Drunkenness. —By Sir Robert Peel, Mr. Miles, and Mr. Methuen, from several Places,—against the Universities' Admission Bill.—By Lord Dudley Stuart, Sir Ralph Lopez, Mr. Collier, and Mr. Locke, from several Places, against the Proposed Measure of Church Rates.

Views of the Dissenters.] Sir *Robert Peel*, on presenting a number of Petitions, praying the House not to pass the Bill to give Dissenters a right to admission into the Universities of Oxford and Cambridge, which were also all unanimous in their prayer, that the House would give its sanction to no measure that would tend to the subversion or injury of the Established Church,—observed, that he had heard with great pleasure the manly declaration that had been made that morning by the hon. member for Frome, with respect to the Dissenters. The hon. Gentleman had stated, that he had, on a former occasion, given his vote in favour of the admission of Dissenters to the Universities; but that, in consequence of the subsequent declarations which had been made by the Dissenters with respect to the real objects at which they were aiming, he was induced to declare, that he felt it to be his duty to withhold from them the support he had promised. He thought the hon. Gentleman had properly and justly retracted his promise. He begged to call the attention of the House to a declaration published in the newspapers, which had been put forth on Monday last, of a meeting of the representatives of the united committee of Dissenters. This declaration, the House must consider, had not been made hastily in the heat of debate, or without consideration, but was deliberately put forth at a meeting specially convened by a body of Dissenters, forming the united committee, delegated by the Dissenters generally, and, of course, representing the sentiments of that body. They stated, that their object in putting forth the declaration was, to rescue themselves from imputations which had been made against them of an attempt to overthrow the Established Church. The charge against them was, that they designed the total destruction of the episcopal form of worship, and that they were desirous to enjoy the secular advantages that would result from a separation of the Church from the State. Those Dissenters positively denied the assertion. They did not wish to overthrow the Church, or to interfere with the episcopal form of worship, nor did they desire that the emoluments of the Church should be appropriated for the purposes of their own religion; but they did declare, that they wished to withhold from the Established Church the support it received from the State, and to apply the revenues of the Church to secular purposes. They did not wish it to be given to them—true, but they wished it to be taken from the Established Church, which was nothing less than a separation of Church and State. All they disclaimed was, any interference with the ecclesiastical discipline of the Church; but as they (the Established Church) had never expressed any desire to interfere, or attempted any interference, with the form of worship adopted by the Dissenters, much gratitude was not due to them for that disclaimer. The Dissenters prayed, that there might be a total severance of the alliance between Church and State, which amounted to a declaration that there should be no Established Church within these realms. After that declaration, which had been put forth so lately as Monday last, it became the duty, as it was the undoubted right, of every hon. Gentleman in that House, to consider the questions that were pending in that House, with respect to the Church, not on their abstract or isolated merits, but how they bore upon the avowed objects of the great body of Dissenters. Entertaining such views, he thought the hon. member for Frome was perfectly justified in retracting the promises he had given to the Dissenters. He must also give the Dissenters credit for having acted an honest and manly part in refusing to receive the advantages which had been intended for their own relief, without boldly declaring what their ultimate object was. To the petition which he presented he gave his cordial support. When these manifestations of public opinion were daily taking place, he considered it the duty of his Majesty's Ministers to take an early opportunity to explain candidly, and without reserve, what were the views they entertained on the subject.

Mr. *Baines* had not seen the declaration alluded to, until it was shown to him by the right hon. Baronet opposite. He believed the principles of the Dissenters were unchanged, and to be embodied in the resolution alluded to by the right hon. Baronet. If the principles of dissent were properly understood, the very circumstance of a man being a Dissenter was a declaration that he could not agree to the union between Church and State. [" *No*"] He was as well acquainted with the principles of the Dissenters as hon. Members who cried " No," and that sentiment, he believed, was entertained by them. He did not deny the right of the Church to hold that union, and to cultivate it by all possible means; but every Dissenter, if consistent with his principles, must be opposed to the alliance. With respect to the appropriation of the revenues of the Church, the right hon. Baronet had supposed, that the Dissenters desired to participate in them.

Sir *Robert Peel* had not so stated. What he said was, that the Dissenters did not desire to interfere with the ecclesiastical discipline of the Church, and as the Church of England had not attempted any interference with the free exercise of the form of worship adopted by the Dissenters, he thought the disclaimer was of no great importance.

Mr. *Baines* had understood the right hon. Baronet also to have intimated, that a desire existed among the Dissenters to participate in the revenues of the Church establishment. [" *No," from Sir Robert Peel.*] It could not be said there was any thing selfish in the applications of the Dissenters: they did not come to the House and say, " Here are large revenues appropriated to the support of the Church, we wish to partake of those revenues;" but they said, " We hold these revenues to be public property." They did not wish them to be appropriated among themselves; if they were applied to any other purposes than those of the Established Church, they distinctly stated that they wished them devoted to those purposes in which they, as a sect of Christians, possessed no individual interest. He saw a smile on the faces of hon. Members, as if they doubted that expression of disinterestedness. If an examination were made into the manner in which these revenues originated, it would be found that one party had as much right to them as the other, and they belonged as much to one denomination of Christians being his Majesty's subjects, as to another. It would, therefore, not be unreasonable for the Dissenters to say, that " whereas at one time you, the Church of England, were no more entitled to these revenues than we; therefore, now that there is a difference in our form of worship, we do not think we shall be asking anything unfair, when we seek to partake of those revenues;" but they asked no such thing. With regard to the Universities, they considered the Church of England exclusively held these fountains of knowledge, and that the Dissenters were equally entitled to the advantages of those institutions for the education of their youth. He believed, with respect to the other grievances of Dissenters—such as the celebration of marriages, the burial of their dead, and a system of registration of their own—that no member of the Church seriously objected to them. The Dissenters looked for the hostility of those who supported the connexion between Church and State, considering it conducive to their interests and the interests of the religion they professed. If the time should ever arrive when the people of England should think the objects of religion would be better advanced by a separation of Church and State, than by the Church remaining an integral part of the State, then, and not till then, should a separation take place. The Dissenters ought never to carry their point, except by the progress of public opinion, and supported by public justice.

Mr. *Shaw* complimented the hon. Member for the candour of his avowal. He had stated, that the Dissenters desired a separation of Church and State, but that they wished the revenues of the Church not to be appropriated to their own purposes, but to some secular purposes. The hon. Member had also stated in that House, that the object of the Dissenters in endeavouring to obtain admission into the Universities, was not confined to taking degrees merely, but that they also sought to participate in all the advantages the members of the Episcopal Church enjoyed with respect to fellowships and other benefits arising out of the Universities; but he was sure the hon. Member would not contend, that if the Universities were once opened to Dissenters in the manner he desired, it would be impossible to preserve the ecclesiastical mode of education at present adopted at those institutions. He concurred in the opinion of the right hon. Baronet, that at the present important crisis, it was most important the House and the country should be made fully acquainted with the views which were entertained on the subject by his Majesty's Ministers. He believed it had now come to the simple question of whether there should be a Church or no Church, and he thought, as that was the case, it was most desirable the Government should not entertain one opinion in that House and a different opinion in another; but should distinctly state what opinion his Majesty's Ministers, as a Government, entertained with regard to the Church.

Mr. *Locke* was one of those who had said " No," when the hon. member for Leeds stated that the Dissenters all desired a separation of Church and State. He did so, because he had that morning presented a petition from the Dissenters of Devizes, in which they stated they had no desire to interfere with the connexion of Church and State. He had supported the petition on that very ground.

Mr. *Methuen* regretted he had not been present to give that petition his support. The right hon. Baronet seemed to say that the Dissenters generally desired a separation of Church and State. For his own part, he did not think so. The hon. member for Leeds was not justified in answering for the Dissenters in every part of the kingdom, because he was acquainted with the opinions of those of a small portion. The hon. member for the University of Dublin had talked of the danger in which the Church stood. The great danger to the establishment was from those who were termed its friends—from those who upheld pluralities and non-residence—from those who were making the country ring from one end to the other with the cry of "the Church is in danger." As a representative of the people, and a real friend to the Established Church, he felt, that he should not discharge his duty, if he did not call on the people of England not to be misled by these miserable party attempts — for such in his conscience he believed them to be—which were not so much intended for the support of the Church as the support of that party who thought they upheld the Church by upholding its abuses. It was for the support of that party, who were the worst enemies of the Church of England, of civil order, and good government, and he should be guilty of a dereliction of duty, if he did not warn the people against their misrepresentations. The observations of the right hon. Baronet on the conduct of the Ministry, who were liberal, honest, and candid in their views, were uncalled for. It was to the present Government that, in the temper of the times, the country must look for the completion of those salutary measures of reform which had been so beneficially commenced. He thought the House was bound to support them in carrying into effect those reforms, now that the Cabinet had purified itself from that which was a clog to its progress, and he had no doubt that the country and that House, to which such an appeal had been made, would look up to them with increased confidence.

Mr. *Finn* thought the House ought to see what the Government intended to do before its confidence was extended to them. He must see what they meant to do with the Church of Ireland. There were twenty parishes in the county he had the honour to represent, in which not a single Protestant was to be found. Sinecures in the state were much to be reprobated, but what could be so disgraceful as sinecures in the Church?

Mr. *Finch* said, the Government, who ought to stand forward as the bulwark of the Church, were now endeavouring, by a number of measures, to conciliate the Dissenters. The cause of religion was too sacred to be affected by the agitation of the present times, but it was nevertheless the duty of every friend of the establishment to stand forward in her support.

The Marquess of *Chandos* said, that, having presented many petitions to that House from Dissenters who did not desire a separation of Church and State, he felt it to be but justice to them to state, that neither the assertion of the hon. member for Leeds, nor the declaration read by the right hon. Baronet, applied to all the Dissenters. He thought that those Members who had retired from the Government, considered in their own minds that they had purified themselves by the secession. They had retired with great credit to themselves, and the country would justly appreciate the motives by which they were animated.

Earl *Jermyn* said, the evidence of every day proved it was the imperious duty of the Government, to declare the views they entertained toward the Church and the Dissenters. A new writ had yesterday been moved for, in the case of a gentleman recently appointed a member of the Cabinet, (Mr. Abercromby), who when he was called upon to give his opinion on the subject of a separation of Church and State, said, that it was a new question, and one that required very serious consideration. He thought, that not only the individual opinions of the members of the Government should be stated, but also what were the views of the Government, of which Mr. Abercromby was now a member.

The Petitions were laid on the Table.

RELIGIOUS ASSEMBLIES.] Mr. *Hardy* moved the third reading of the Religious Assemblies Bill.

Mr. *Wynn* said, that having already expressed his disapprobation of this measure, he would not trouble the House by repeating his objections to it at length. The Bill would enable any person to preach, without having received licence to do so from the clergyman of the parish, or from the Bishop of the diocess. Now, to such an enactment he had great objections, for he thought that the members of the Church of England were bound to conform to the discipline of that Church. If this Bill passed, individuals representing themselves to be clergymen of the Church of England might, if they chose, preach doctrines directly at variance with the doctrines of the establishment.

Mr. *Hardy* thought the Bill would prevent the evil anticipated by the hon. Gentleman. It was only designed to allow lay members of the Established Church, in situations where they were destitute of the means of public worship, to read a portion of the Liturgy, and perhaps a sermon, in their houses, or in the servants' halls, and to allow the presence of their poor neighbours. According to the 71st Canon of the Ecclesiastical Law, no licence could be granted in such a case without a licence for the performance of the whole Church service. He only wished to secure to members of the Church of England the same privilege that Dissenters enjoyed. He did not see why the privilege should apply to Dissenters only. Undoubtedly, an equal privilege ought to be extended to the members of the Established Church. The latter, undoubtedly, might meet and read a chapter out of the Bible; but the moment they attempted to explain the importance of it, or to address themselves to the Almighty in prayer, they were bound to ascertain, that there were not more than twenty of them assembled together. The members of the Church of England laboured under an inconvenience in this respect. There were not Churches calculated to accommodate more than a fifth part of the population of the members of the Church of England; and why should not a gentleman, a member of that Church, be at liberty to assemble his servants and neighbours in his hall for the purpose of social worship? He was quite sure, that if the right hon. Gentleman who had addressed the House was only made once properly aware of the nature of the proposed plan, he would no longer object to it. It was a plan proposed upon the suggestions of many clergymen, all of whom were anxious that every facility should be afforded to it. They were persuaded, that it would strengthen the Church of England, and not draw members away from it. Neither they nor he advocated the encouragement of fanaticism. This Bill would have no such effect; and he did hope it would be allowed to pass, that the country might know the House approved of its principle.

Mr. *O'Connell* would not detain the House many minutes. He thought, that the more they were assembled together to worship their God the better, whilst they did not interfere with others. They could not create a riot, as the Bill contemplated worship in private houses; and why people should not pray as much as they liked, or why that House should discourage prayer by making it a crime, he could not understand. It was against all principle. Persons were allowed to lecture upon astrology, theology, every art and science, and even upon materialism; but the moment they prayed to the Deity, if more than twenty were present, their conduct became criminal. Such an absurdity ought not so long to have remained on the Statute-book, and the sooner it was expunged the better. It was their duty to make conscience free, for true piety and genuine religion could only prosper by having the utmost latitude. The more families attended upon private worship, the more it would be a means of bringing down God's blessing upon the country.

Mr. *Halcombe* thought, that the privileges of domestic religion were already sufficiently extensive. By the present law, any gentleman might assemble a congregation of friends in his house to the number of twenty, exclusive of his family and servants, for the purposes of private worship. If it passed, any person who disliked his clergyman, could set up a preaching place in his own private dwelling; and there would be as many chapels as there were different grades of opinion. He should give it his most strenuous opposition.

Sir *Daniel Sandford* supported the Bill, for the reason the hon. Member opposed it. When clergymen were not favourites, he believed they would meet with some rivalry, which would be a good method to make them attend to their duty.

Mr. *Wilks* considered, that every individual in the country ought to be allowed, either in his own house or the contiguous premises, to assemble his friends for religious worship. Persons were permitted to assemble to any number for any other purposes, without any licence; and he did not see why they should not be allowed to assemble for religious worship.

Mr. *Plumptre* hoped, that the Bill would be allowed to pass. He was not ashamed to say, that he had himself, at his own house in the country, often assembled a number of persons for the purpose of religious worship; although, as the law stood, he was subject to a penalty for so doing; and if he could not do so in future according to law, he feared he should be disposed to violate the law again. He really should wish to see every law of this nature erased altogether from the Statute-book, as they were a disgrace to the country. He hoped the House would support the Bill.

Sir *Matthew White Ridley* said, that although he was the friend of religious liberty and toleration to as extended a degree as most Members of that House, yet he could not give his consent to the passing of this Bill, chiefly because it would have the effect of converting Members of that House, if they so pleased, into preachers. The hon. member for Cambridge had lately introduced a Bill to turn preachers into Members of Parliament; and the object of the present Bill, seemed to be to turn Members of Parliament into preachers. He did not wish to make religion a mere by-word in the mouths of those who were not immediately connected with its Ministry; and on these grounds, therefore, he should move, that the Bill be read a third time that day six months.

Sir E. Knatchbull seconded the Motion.

Mr. *Strickland* was anxious that the Bill should pass; but he should be glad to have the protection that was intended to be given to rooms or other places attached to private houses more satisfactorily explained than it was in the Bill.

Mr. *Hume* could not at all see why Members of Parliament, if they happened to be properly qualified for the duty, should be prevented from being teachers of religion any more than other persons. He should be very glad to see the system of granting licences done away with altogether, as far as it extended to religious instruction. It was one of the last remnants of intolerance, and ought to be abolished. He should give his cordial support to the Bill.

Sir *George Grey* said, that he thought the time had passed away for continuing an Act of Pains and Penalties such as the Conventicle Act. That Act was designed to prevent meetings for seditious purposes under the pretence of religious instruction; and, as there existed no longer any dread of seditious meetings, the law was no longer called for. He should give his support to the Bill.

Mr. *Fleetwood* hoped, that this Bill would receive the support of the House, as it certainly should his own most cordially. He particularly called for the support of the Irish and Scotch Members on this occasion, as they had ample opportunity of seeing in those two countries the advantages that arose from unrestricted religious institutions. The Bill only went to establish religious toleration; and he hoped there were not many Members in that House who would object to that principle at the present day.

Earl *Jermyn* objected to the Bill, on the ground that it would trench upon the fundamental principles and regulations of the Established Church. He should wish to have the discussion on the Bill adjourned until some of his Majesty's Ministers should be present, as he was very desirous of hearing what their sentiments were on a subject of such importance to the religious instruction of the country, and to the Church of England Establishment. He should like very much to hear what the Attorney General thought of the Bill. He should support the Amendment that had been moved by the hon. member for Newcastle.

The House divided on the Amendment: Ayes 33; Noes 88—Majority 55.

The Bill read a third time and passed.

List of the Noes.

Aglionby, H. A.
Agnew, Sir A.
Attwood, T.
Baines, E.
Balfour, J.
Baring, F. T.
Barnard, E. G.
Beauclerk, Major
Bellew, R. M.
Bernal, R.
Bish, T.
Blamire, J.
Bowes, J.
Briggs, R.
Briscoe, J.
Brotherton, J.
Buller, C.
Campbell, Sir J.
Cayley, E. S.
Chapman, M. L.
Chaytor, W. R. C.
Childers, J. W.
Colquhoun, J. C.
Curteis, H. B.
Davies, Col.
Denison, J. E.
Dundas, Hon. T.
Dunlop, Capt. J.
Elliott, Captain
Evans, W.
Ewing, J.
Faithfull, G.
Fenton, J.
Ferguson, Sir R.
Fielden, J.
Finch, G.
Forster, C.
Gaskell, D.
Gillon, W. D.
Gisborne, T.
Godson, R.
Grey, Sir G.
Gronow, Capt.
Heathcote, G. J.
Hornby, E. G.
Howard, P. H.
Hume, J.
Langdale, Hon. C.
Lefevre, C. S.
Lennard, T. B.
Littleton, Rt. Hon. E.
Lloyd, J. H.
Methuen, P.
Morpeth, Viscount
Morrison, J.
Murray, J. A.
O'Callaghan, C.
O'Connell, D.

O'Connell, M.
Oswald, R. A.
Parker, J.
Pease, J.
Phillpotts, J.
Plumptre, J. P.
Poulter, J.
Price, Sir R.
Pryme, G.
Richards, J.
Rotch, B.
Sandford, Sir D.
Scholefield, J.
Sheil, R. L.
Stanley, E. J.
Staunton, Sir G.
Staveley, T. K.
Strickland, Sir G.
Tennent, J. E.
Thomson, P. B. R.
Todd, R.
Torrens, Col.
Tracy, C. H.
Tynte, C. J. K.
Walker, R.
Warburton, H.
Wilks, J.
TELLERS.
Hardy, J.
Fleetwood, H.

List of the AYES.

Astley, Sir J.
Barham, J.
Biddulph, R.
Blamire, W.
Colborne, R.
Conolly, Col.
Durham, Sir P. H.
Fancourt, Major
Gaskell, J. M.
Gladstone, W. E.
Graham, Sir J.
Halcombe, J.
Halse, J.
Henniker, Lord
Hornby, E. G.
Houldsworth, T.
Jermyn, Earl
Lemon, Sir C.
Lushington, Dr.
Mangles, J.
Miles, W.
Mullins, F. W.
O'Reilly, W.
Palmer, C. F.
Ramsden, J. C.
Sandon, Lord
Smith, T.
Stormont, Viscount
Tyrell, C.
Vyvyan, Sir R.
Williamson, Sir H.
Wrottesley, Sir J.
Wynn, Rt. Hon. C.
TELLERS.
Knatchbull, Sir E.
Ridley, Sir M. W.

THE HAND-LOOM WEAVERS — ADJOURNED DEBATE.] Mr. Maxwell moved that the Order of the Day for the resumption of the Adjourned Debate be read.*

Mr. *Gillon* had hoped, that the very reasonable Motion of the hon. member for Lanarkshire would have been at once acceded to. It was the imperative duty of this House to inquire into the distress of any portion of their fellow-subjects, and to endeavour to devise a remedy for it; and the more that distress was confined to a particular class, the more reason was there to examine the peculiar causes of hardship which bore upon them. After all the facts which had been repeatedly brought forward in this and the last Session, it was scarcely necessary to prove the existence of that distress; but as certain statements had been put forth at the opening of the Session, of a great improvement having taken place in the condition of the hand-loom weavers, it was his duty to inform the House that these statements were utterly fallacious, and that the hon. Member who made them had been grossly imposed on by his informant. It had been stated, that the distress of the hand-loom weavers had nearly passed away—that a rise of ten to twelve per cent had taken place on their wages, and that they were not obliged to put their children to the loom at an early age, as they found other employment for them. He had formerly shown what a rise of ten to twelve per cent in the wages of this class of persons would be: that as it had been clearly made out last year that the hand-loom weavers at plain fabrics could not earn more on an average of clear wages than 4*s.* 5*d.* per week, a rise of twelve per cent on this sum amounted only to 6¼*d.*, making in all about 5*s.* per week for the entire maintenance of themselves and families. The truth, however, was, that this rise of twelve per cent had taken place only in very peculiar circumstances in the finer fabrics, or with those weavers who resided in Glasgow, and who were in immediate contact with their employers; in the coarser fabrics, and in country places, the rise did not amount to more than six per cent; and he had in his possession a letter from Biggar, a very remote part of the country, stating that there they had experienced no rise at all. The fact was, the manufacturers, that is, the unprincipled portion of them, who wished to increase their own fortunes on the absolute starvation of the poor weavers, took advantage of those who lived in remote places, and who had not the means of obtaining early or accurate information. The very correspondents of the hon. member for Ipswich, the House of Bannatyne and Moira, at the time they were imposing upon him by those fallacious statements, had not, as he was informed, in different districts of the country, raised their wages at all. If, instead of six, or even twelve, per cent, a rise of 100 per cent had taken place, their wages would not then have nearly equalled those of many other classes of artisans. As to the weavers being able to put their children to other work, he should like to be informed to what work they were to put them? It was altogether a delusion, as it was well known they were compelled by dire necessity to place them at the loom at from eight to ten years of age, before either their bodies or their minds had received the necessary formation, in order to eke out the miserable pittance which their parents were able to earn. So much for the comparative prosperity of the weavers. Then it was a peculiar feature in the case of the hand-loom weavers, that when work had become more abundant, wages had not risen in any almost perceptible degree, and that whereas at the present moment there was more than enough of work for every person engaged in that species of labour, their wages continued at the low rate at which he had mentioned, while in other branches of trade, where work was not so plentiful, wages were much higher. Why did a weaver, who had constant work, earn only *5s.* or *6s.* per week, while a warper, a tailor, or a shoemaker, who had only occasional employment, had a five-times higher rate of wages? The fall of wages was not caused, as was alleged, by over-production, for every weaver could find work to keep him employed from fifteen to sixteen hours a-day. The reason was obvious. The latter classes to whom he had referred were in contact with their employers, from this it was to be supposed that some kindly feeling was generated between them, or in the absence of this, they might combine to effect a rise of wages. This was not the case with the hand-loom weavers, who were scattered in small towns and villages all over the country; most of them never saw their employers, who cared nothing for the condition or sufferings of men with whom they had no intercourse; and they were too much divided by distance, and too much under the pressure of immediate want, to be able to combine in their own defence. Again, it was said that the low rate of wages was caused by foreign competition. So far was it from being true, that these low wages were necessary to enable the manufacturers to compete with those abroad, that the fact was, that the price in most instances fell in the foreign markets from the introduction of British goods. It was home competition which was the root of the evil, which reduced the price of the commodities in the foreign markets, and tended only to enable certain unprincipled speculators to go on by means of the starvation of the weavers. If prices were raised here, they would be raised abroad also, as the system of combinations among workmen was just as well known there as with us; and if the House acceded to the proposition now before them, they would have the prospect of conferring a benefit not only on their own poor starving countrymen, but of improving the condition of a portion of the labouring classes all over the world. Let it also be considered what a favourable effect would be produced on the market were the condition of this large class of the population materially improved, and they were enabled to become larger consumers both of their own produce, and of that of other branches of industry. He did not mean to discuss the propriety of appointing Boards of Trade—though that would, no doubt, be a subject to be discussed in Committee—but he could assure the House that the operatives were far too intelligent a class to desire to interfere in any way with the foreign market, which they knew must necessarily re-act upon themselves. They asked to be permitted to state their case to a Committee of this House, to point out the causes which had produced such a state of things, and the means that might be adopted for its removal, and he was convinced they understood these matters much better than most hon. Members. Were these men to appeal in vain to this House for redress? What deadly sin had they committed, that they were to be put without the pale of the Constitution as outcasts and aliens? Their distress they had borne with a patience which is not only commendable, but almost incredible. Much had been said of the forbearance exercised by the agricultural classes as entitling them to the consideration of the House. He was far from denying this; he only wished, that the same reasoning should be applied in the present case. Not one outrage had characterized the proceedings of the hand-loom weavers, while borne to the earth by sufferings at which the heart of humanity shuddered. They disavowed all secret associations; they united, as they were not only entitled, but bound to do, for their own protection; but all their proceedings were open and avowed. Why was the labour of these poor men, which was their only property, but the more important as being the source of all other property, to be unprotected? Was the fruit of our commercial system to be the starvation and degradation of our people? If so, better it were for ever banished from our shores. Were these petitioners to be permitted to starve in the midst of a plenty of their own creation? Were these respectable and industrious individuals to be permitted to want, while the money of the country was lavished on pensioners and sinecurists —on a band of titled paupers, the true refuse of society? He was happy to observe, that the case of the hand-loom weavers had been taken up by other classes. Petitions had been presented by the hon. member for Bolton from the Magistrates, Clergy, &c., of that town, praying that the House would take into its consideration the case of the hand-loom weavers; and he had himself presented a similar petition from the wrights, masons, and slaters, of Airdrie. But it was said it was too late in the Session to go into this investigation. This was not the fault of the hon. member for Lanarkshire, by whom the Motion had been brought forward. He had been prevented from bringing forward his Motion on the day he had originally fixed, owing to an adjourned debate, and he had not been allowed by the Government a subsequent day on which to discuss the subject. There was a full muster to defend the abominations of the Pension-list, but when the happiness, nay the very existence, of half a million of industrious fellow-creatures was to be discussed, an attempt was made to stifle the inquiry. The right hon. Gentleman, then Vice-President of the Board of Trade, had said, he would not be indisposed in the next Session that a Committee should be appointed to consider the subject of wages in general. If he was authorised by the Government to pledge himself to this, and that the very inadequate wages of the hand-loom weavers should form a particular subject of inquiry, long as they had already waited without redress, he would undertake on their part to say, that they would accede to this further delay; but unless the House received from the right hon. Gentleman so distinct a pledge as this, he hoped the hon. member for Lanarkshire would persevere in his Motion; and the time of hon. Members could not be better employed at any season of the year than in investigating a case of distress so unjust as that now before them. If the House refused to listen to the complaints of those men—if it refused to extend to them its protection—as protection ceased on the one part, so must allegiance on the other—society must resolve itself into its first elements.

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* See (third series) vol. xxiii. p. 1090.

Admiral *Adam* regretted the distress of the hand-loom weavers, and should be glad if a remedy could be discovered, but he had heard nothing as yet which he could look upon in the light of a remedy. The right hon. Gentleman (Mr. Poulett Thomson) had promised, that an inquiry should take place into the case of the hand-loom weavers next Session, and he thought that, under all circumstances, they should not at present proceed in the matter.

Mr. *Hume* would be glad, if time and the state of the other business of the House would permit, that the proposed inquiry should be gone into, but not on the grounds anticipated. He wished for the inquiry because he believed, that it would serve to convince the petitioners themselves that the relief they sought for could not be obtained by a Committee. He had always held that wages would regulate themselves according to the wants of the public in any trade. To attempt to raise them by any other means than the fair increase of the demand for labour would be absurd, and would always fail. He felt for the distresses of the hand-loom weavers, but he did not see how it was possible that the Legislature could assist them in the way they sought. Suppose a Bill were brought in to regulate the wages of any particular trade, it would have the effect of sending the best men in that trade out of the country. This was fully and fatally experienced in the case of the Spitalfields weavers. Their wages were at one time fixed by Parliament, by their own desire; and what had become of the trade of that district since? The Spitalfields weavers found their error when it was too late, and so would any body of men who thought that the fixing of a price for their labour by the Legislature would assist them.

Sir *Daniel Sandford* said, it was admitted that the hand-loom weavers had suffered the most unparalleled distress with the most exemplary patience; and no class was less likely to resort to violent measures, or to press their advocates into an extreme course of conduct. He had been amongst them in times both of excitement and tranquillity: but, even when a political canvass had been going on, and other classes had shown themselves ready to impose extreme political doctrines upon candidates, he had never found the hand-loom weavers, notwithstanding their numbers, and the influence they might in a mass exercise upon an election, otherwise than sober, rational, and constitutional. Their prayer had constantly been for an inquiry, and he had heard them give the most sensible and conclusive answers to objections such as those which had been urged by the hon. member for Middlesex. No one had attempted to impugn the case of distress advanced on the part of these unfortunate persons. No prosperity witness, no prosperity statement, no prosperity doctrines, had been brought forward here, as they were on the recent debate connected with the shipping interest. He was relieved, therefore, from the necessity of painting to that House scenes of misery more frightful and appalling than any which ever fell beneath his notice, and which he could not describe without calling up images and using language that might harrow the feelings of the House. He could assure the House, that words were too feeble to give a fair impression of the wretchedness of this too-long-neglected class. But, the distress being allowed, and the claim to inquiry—at least as far as a modest and constitutional deportment can confer a claim—being admitted, it was said, that the result could lead to no practical measure of relief. To that proposition he demurred. From what he had seen and heard from the sagacious people themselves, he thought, that local Boards of Trade, composed partly of masters and partly of workmen, who should adjust, not a fixed *minimum* of wages, but who should, from time to time, regulate the price of labour according to the demand in the market for its produce, and other circumstances necessary to be considered, would tend to the advantage of both parties. In the important and populous town he had the honour to represent, in which a great part of the population consisted of hand-loom weavers, the system had been to a certain extent adopted, and produced the most beneficial effects. It appeared, by a letter which he held in his hand, that the Board at Paisley was established in 1829 to prevent the effects of speculation, caused by the lowness of wages:—'Some manu-'facturers,' said the writer, 'finding that 'this continual reduction hurt the stock on 'hand, and kept the weavers in misery, 'called a meeting of the manufacturers, 'when it was agreed, that a *minimum* 'price should be named for two or three 'things most generally manufactured, to 'serve as a standard for the rest of the 'work. The signature of every manu-'facturer was obtained to this arrange-'ment, and a Committee appointed so see 'that it was complied with. In the spring 'of 1830, the manufacturers raised the '*minimum.* A meeting of the manufac-'turers was called in June, 1833, when it 'was agreed that the table should be con-'tinued for another year; but no signa-'ture was asked anew, and consequently 'the table has no existence, except in the 'public mind.' The Paisley Board, then, was a voluntary arrangement; and yet it had turned out to be a humane and beneficent system. One argument, drawn from experience like that, told more in favour of the proposed plan than twenty theoretical propositions against it. He might be told, that such a system was against all the axioms of political economy; but, however much it might prejudice him in the minds of some Gentlemen, he must say, that the mere *dictum* of any professor of political economy never had any weight with him. But there were, in political economy, some marked exceptions to general rules. Thus the general rule was, that wages would adjust themselves to the demand for labour; but, in the case of the hand-loom weavers, the price of their produce had risen in the market without producing a corresponding rise in their wages. Their case was, therefore, an exception to the rules by which it was proposed to judge it. Their labour had often not been competent to meet the demand, and yet their wages had not risen. That was a fact by which the general doctrines of political economy were combated. Nor was it difficult to explain the fact. The weavers suffered from the want of concert and combination. They did not congregate together: they lived in scattered hamlets, and pursued their labours in solitary, noisome, and miserable cottages—where the father of the family plied his tedious task fourteen hours out of the twenty-four, and obtained scarcely sufficient to keep his wife and children from starving. They were without the means of co-operation, and could not organize themselves to stand their ground against the natural and inherent power of the owners of capital, who were thus enabled to beat down the wages of labour. Such being their situation, what injury might not be the result of turning a deaf ear to their prayers? They must then contrive some method of mutual concert and assistance; and, when their wants were most pressing, and their passions most inflamed, they might enter upon dangerous designs and practices. They must imitate the example of those trades' combinations which had recently prevailed to so great and alarming an extent. Indeed, in some parts of Scotland, they had already begun; and the last advices he had from Dundee informed him, that the hand-loom weavers of that vicinity were beginning to do what the cotton-spinners, the calico-printers, the engineers, and other classes, had already done in other quarters. He did not defend that injurious system of combination, though he believed that the Legislature could do nothing by penal enactments to put an end to them. But there was one mode of mitigating the evils of that injurious contest between labour and capital, which bore a strong analogy to the plan for the regulation of their trade now sought for by these unfortunate weavers. They said, why not meet the mischievous combinations of the present day by calling back into life those ancient guilds—corporate bodies to mediate between the two parties, and determine measures for the advantage of both? He did not know whether this plan could be adopted on a great scale; but he would say, allow the experiment to be tried on a small scale; and, if it succeeded, establish by law throughout the kingdom what had voluntarily been done at Paisley. The hon. member for Middlesex said, that the principle of Boards for the regulation of wages had been tried in the silk trade, and that it had completely failed. But the principle proposed to be acted upon in this Act was different from that which was adopted in the Spitalfields' Act, so that the hon. Member's argument did not apply to the present proposition. The provisions of that Act determined that the price of labour should be settled from time to time by the Magistrates at their option. An arbitrary remuneration, then, was decreed by persons who might be entirely ignorant of the trade over which they were set in authority, and careless whether it prospered or decayed. But the Boards now proposed would consist of parties conversant with every circumstance affecting the market—aware of the exact state of the trade—alive to the actual condition of the manufacturer as well as of the operative—and seeking to establish, not a fixed and arbitrary price, but a fluctuating *minimum* to vary from time to time according to the demand for the produce of labour, and other causes affecting the interests of those engaged in the manufacture. They would protect the labourer from an unjust depression of his wages; but they would not interfere with the natural and necessary fluctuations of wages. But, it was said, why not trust to the voluntary principle? True, a modification of the voluntary system had worked well at Paisley; but it could not be expected that every master manufacturer throughout the country would be as benevolent and careful of the welfare and interests of those whom they employed, as the master manufacturers of Paisley were. Let the first establishment of these Boards be voluntary; but, wherever they were established, let it be under the authority of a legal sanction. He would have them composed partly of masters and partly of men, who from time to time should arrange between themselves the rate of wages, and to counteract any difficulty which might arise from a disagreement between these two parties. He would, also, have upon the Board a certain number of persons not connected with the manufacture, whose voices, in case of a dispute, would go with the master or the man according as justice and reason should dictate. These were the arguments which had struck him in favour of Local Boards, in the establishment of which he hoped that the appointment of this Committee of Inquiry might end. If they went into the Committee, he at least should endeavour to bring about that result.

Mr. *Cobbett* said, that after the description which they had heard of the distress of the people of Paisley, he trusted, that he should never again hear the right hon. Gentleman, the President of the Board of Trade, say, that he hoped in God his country would become the great manufacturing shop of the world. He trusted, too, that they would no longer hear the hon. member for Middlesex eulogise the operation of the Scotch Poor-laws, as an example for this country to follow in amending its own system of Poor-laws. That hon. Member had expressed a fear, that if the House should interfere in this matter of wages, it might drive valuable branches of manufactures from the country. Drive them from the country! Ay, drive them from the world, he would say; drive them down to the infernal regions, rather than that they should produce such misery. He wished not England to become the manufacturing shop of the world; on the contrary, if manufactures were to produce such distress as had been described, if they were to be followed by such a harvest of misery, he should like to see them driven not only from this country, but from the earth. He was not a judge of the measures that might be necessary to relieve the distress of those suffering manufacturers; but he would certainly vote for a Committee of Inquiry to see what could be done for them. They had plenty of Committees on other subjects; why not, then, grant a Committee on this? They had a Committee to inquire into the causes of drunkenness, though every human being knew beforehand that it arose from the use of beer and gin. They had a Committee appointed nevertheless, and sitting, with its chairman, and all the other rigmarole, to inquire into that which all knew to be the effect of beer and gin. They had also a Committee appointed to inquire into the best mode of educating the people. The complaints made by the people to that House were, that their bellies were empty, and that their backs were bare, and a Committee was appointed to see how their heads were furnished, and whether any addition could be made to the lumber already there. It was food and raiment that the people of Paisley called for and wanted, and the House in its wisdom would give them little books to satisfy them. It was food and raiment that the people wanted, and not those little papers which the House was for circulating amongst them. The appointment of the Committee would do no harm, and it might possibly do a great deal of good.

Sir *Daniel Sandford* said, that his observations had applied to the distress existing in Glasgow, and not in Paisley.

Mr. *Cobbett* had been in Paisley, and had seen enough of it to know that great distress existed there also. There were several streets in it in which a knife and fork were not to be found.

Mr. *Ewing* feared, that the sufferings which had been endured by this patient and deserving body of men were beyond the power of the Legislature to remedy, arising as they did in some degree from foreign competition, and next, from the introduction of power-looms. The only remedy, he believed, for such sufferings, was to proportion the labour to the demand for it in the market. As, however, the hand-loom weavers had suffered so long and so patiently, he was in favour of appointing a Committee of Inquiry on the subject; but he feared that it would be too late to expect any good from such a step this Session. He trusted, however, that, for the satisfaction of the petitioners, the right hon. Gentleman, the President of the Board of Trade, would hold out the hope that such a Committee would be appointed next Session.

Mr. *Poulett Thomson* had formerly stated, that it was too late in the Session to enter into such an inquiry, and that he objected to any inquiry based upon the principles stated in the speech of the hon. Member who had brought forward this Motion. Those principles had been again candidly avowed that night by the hon. member for Paisley; and he (Mr. Poulett Thomson) must therefore decidedly object to the institution of an inquiry based on such principles, as in his opinion no good, but much mischief, would be occasioned by the establishment of local Boards of Trade. He therefore trusted, that the House would not go into an inquiry founded on a principle that would only tend to delude the people as to the causes of their distress. He had as much at heart the interests of those manufactures as any hon. Member, and it was for that reason that he would resist such a Motion as this. He begged at the same time to state, that he thought the House might, with great propriety, enter upon a future occasion, in the next Session of Parliament, into an inquiry into the subject of wages generally, with regard to which he knew that many Members were anxious to obtain information. When such a Committee was appointed, the hand-loom weavers would then come before it with their case divested of any delusion, such as that of the establishment of local Boards of Trade, for which the petitioners, and those hon. Members who supported the Motion for Inquiry, asked on this occasion.

Mr. *Hesketh Fleetwood* said, that as there had already been Committees appointed this Session on individual cases, it was the bounden duty of the House to grant a Committee when 800,000 people were plunged in the greatest distress. He should vote for a Committee, without pledging himself to any ulterior measures whatever.

Colonel *Torrens* supported the Motion for the appointment of a Committee, and could not concur in the reasons assigned by the right hon. Gentleman, the President of the Board of Trade, for refusing the prayer of the petitioners. It was not correct to state, that the petitioners asked for local Boards of Trade. The petitions of the hand-loom weavers of Bolton, and of other parts of Lancashire, prayed for a Parliamentary inquiry into the causes of their distress, and into the means by which that distress might be relieved, whether by local Boards of Trade or otherwise. The Committee which had been moved for, was a Committee of Inquiry, and as such he should support it. But the right hon. Gentleman contended, that granting this Committee would excite unreasonable expectations. An inquiry, he thought, would have a contrary effect, and would dispel unfounded expectations. The most sanguine expectations were now entertained by the hand-loom weavers, that local Boards of Trade would relieve their distress. If this were an unfounded expectation (and he was not prepared to say it was not unfounded), the only means by which the truth could be ascertained, and the delusion dispelled, was to inquire into the facts of the case. The hand-loom weavers were a very intelligent body, and would urge no claim that could be shown to be unreasonable or mischievous. He could state from his own personal acquaintance with them, that they possessed a very surprising degree of knowledge, and scientific knowledge too, upon the principles of commercial policy, and they would not press any demand the granting of which could be shown to be injurious to the permanent trade and prosperity of the country. He did not think that local Boards of Trade were calculated to remove the distress under which the hand-loom weavers suffered. On this point, his opinion did not vary very much from that of the right hon. Gentleman; but the difference between them was this:—The right hon. Gentleman, having formed an opinion that local Boards would prove abortive and pernicious, seemed to close his mind against further information. He, on the contrary, was for receiving further information, and for inquiring into all the facts, and examining all the arguments which the weavers had to advance in support of their case. He was open to conviction. If the opinion he now entertained were shown to be erroneous, he was perfectly ready to relinquish it, and he was confident, that in a Committee of Inquiry he should either be convinced of his own error, or be able to convince the petitioners of theirs. The truth would be established either on one side or on the other. But it was stated by those who had prejudged the question, and were determined to hear no further evidence, "Boards of Trade cannot by possibility relieve the distress; what good, therefore, can result from the Committee?" He would reply, this good would result—the people would be satisfied. If the result of the inquiry should prove, that Boards of Trade could not relieve the distress, the sufferers would at least feel that justice was not denied them, and that their sufferings did not arise from the neglect of the Legislature. Even on the supposition that the Legislature could afford no relief, the inquiry would be attended by these advantages. But he denied that the Legislature could not afford relief. When the introduction of new machinery increased production and augmented the wealth of the country, the country was bound, in some shape or other, to afford assistance to those classes who were reduced to destitution by the change. The case of the hand-loom weavers, working with inferior machinery, was precisely analogous to that of those who worked with the inferior machinery called bad land. When a free trade in corn was demanded, the answer was, all those who were employed upon inferior land would be plunged in distress, and the Legislature must therefore protect the inferior machine called bad land. The power-loom acted upon the hand-loom weavers just as a free trade in corn would act upon the cultivators of bad land. Would not the Legislature deal out equal justice to all classes? Would it deny to the hand-loom weaver that inquiry into the causes of his distress which it had so repeatedly granted to the landed proprietor and the farmer? He trusted that equal justice would be done, and that this inquiry would be granted. He would trouble the House with one other observation. The working classes were not directly represented. In what way were they to be reconciled to this exclusion, and prevented from desiring more extensively organic changes? Only by that House acting on the principles of impartial justice, and legislating for the working classes in the same spirit in which they would be legislated for, if they themselves held the elective franchise. Now, it could not admit of doubt, that were the working classes directly represented in that House, the inquiry now prayed for would be immediately granted. The House, as at present constituted, should not hesitate to do the same. This was the way to give satisfaction, and to attach the people to the existing order of things. For these reasons he should support the Motion of his hon. friend, and vote for the appointment of the Committee.

Mr. *O'Reilly* thought, that the House should grant an inquiry for the satisfaction and contentment of those suffering and patient people.

Viscount *Palmerston* would oppose the Motion for the reasons stated by his right hon. friend, the President of the Board of Trade. He was as conscious as any hon. Member of the distress which existed amongst the petitioners—he was as anxious that a full and satisfactory inquiry should be instituted into the pressure under which they were labouring; but surely it would be impossible to institute such an inquiry with any advantage at this advanced period of the Session. He thought it would be far better for the petitioners to defer this subject until the general and comprehensive Committee of Inquiry, to which his right hon. friend had referred, was appointed next Session, and which would be a more satisfactory one for all purposes. He trusted, that the description which the hon. member for Oldham had given of the distressed condition of Paisley was exaggerated, and that there were not streets there in which a knife and fork were not to be found. That hon. Member's remedy for the distress of those manufacturers was to send them all to the infernal regions. [Mr. *Cobbett*.—No, no; I said the trade, not the manufacturers.]—Well, if the hon. Member was for sending the trade to the infernal regions, he might as well send the manufacturers after it, as that would shorten the sufferings they would have to endure in the way to their destination. The hon. member for Oldham was, by way of relieving the manufacturers, for sending the manufactures out of the country altogether. He rather thought that the petitioners, and those hon. Members who supported the Motion, would not accept of a Committee on such terms. In his opinion, the interests of the petitioners, as well as of the manufacturing classes generally, would be most beneficially consulted by reserving all inquiry for the general Committee that would be appointed next Session.

Mr. *Hardy* said, that if there happened to be, and it was probable there were, any hand-loom weavers in the gallery while the noble Lord was speaking, they might well say "It may be sport to you, but it is death to us." When they had petitions from this class of manufacturers complaining of distress, both in Scotland and England, he thought that it became the duty of Government to grant inquiry. He would implore the Government to grant the inquiry which was now sought, and which would be calculated to remove much of the delusion under which the people laboured. After the evidence had been heard, it would open some means for the adoption of the House to relieve these petitioners from their present state of overwhelming distress. He would vote for the Committee of Inquiry, even though it should push the duration of the Session beyond the usual limits. He could not agree in the opinion expressed by the hon. and gallant member for Bolton, that the labouring classes were unrepresented in that House; for he was sure, that the majority of the House was anxious to do justice to that portion of the subjects of the realm (he meant the labouring population) which was the main strength and support of the nation.

Mr. *Pryme* thought the establishment of Local Boards of Trade would only increase the evils to which the hand-loom weavers were at present exposed, for he understood one of the objects of these Boards would be to raise wages, by doing which the expenses of manufacture would be increased, and consequently any trade which still remained to these petitioners would leave them and be carried to a cheaper market of manufacture, Another strong argument against the present Motion was the late period of the Session, which precluded the possibility of entering with any chance of utility upon an inquiry so extensive as that sought would necessarily be. Believing, also, that the right hon. Gentleman, the President of the Board of Trade, would, as he had stated, institute an inquiry next Session, not only into this, but other important commercial subjects, he should vote against the Motion for the appointment now of a Committee.

Mr. *Lloyd* deprecated any endeavour to enter upon so important and intricate an inquiry at this late period of the Session. Indeed, it would be hopeless to expect, that such an inquiry could be treated with the attention which it deserved between this and the breaking up of Parliament; and, therefore, although he agreed that inquiry should take place, if it were only to convince the petitioners of the fallacy of their views, he should vote against the present Motion, on the understanding that the subject was to be brought forward by the right hon. Gentleman, the President of the Board of Trade, early in the next Session.

Mr. *Bolling* thought they should agree to the Motion if it were only to satisfy the petitioners and the labouring classes generally, that the Members of that House would not turn their backs on men who adopted a constitutional and proper means of complaining of the grievances which they laboured under.

Mr. *Fielden* admitted, that distress existed among the operatives in several parts of the country, but he denied that this distress had been occasioned by the power-looms. Much of the distress that prevailed in particular places arose from an unequal distribution of trade; and, instead of laying it to the account of foreign competition, it was almost solely the result of the competition at home. Now, a Board of Trade would rectify this evil; it would confer equal advantages on the master as on the man; and, this being his opinion, he certainly should give his support to the proposition for the appointment of a Committee of Inquiry.

Mr. *George Wood,* although persuaded that the inquiry, even if acceded to, would not afford the relief which the petitioners seemed to expect from it, yet, thinking that the grievances complained of by this class of persons ought not to be passed over without inquiry, he should give his vote for the appointment of a Committee. These petitioners alleged that they were suffering great distress, and surely it was incumbent on the Legislature to ascertain whether their complaints were well founded or not. It was on this ground that he should vote for inquiry now rather than wait for the ensuing Session.

Mr. *Hutt* said, that no man could be more desirous than he was, to inquire into the distresses of the labouring classes; but, believing that the present Motion, even if adopted, could not lead to any advantageous results, he should vote with the Government.

Mr. *Richards* said, that it was a mere delusion to imagine even that the use of machinery could be dispensed with. If an attempt to do without it were made in this country would it not still be resorted to by the foreign manufacturer? And, that being the case, how was it possible, if it were desired to compete with the manufacturer of other nations, for the home manufacturer to refrain from employing machinery? It could not be done; it was altogether impracticable. But, notwithstanding that was the case, they were bound to show that they sympathised with the labouring classes, by granting an inquiry with a view to explain to them how just the principles were on which the present system was based. Such an inquiry, he was satisfied, could only produce a happy effect, and, therefore, he should vote for the Committee.

Mr. *Dunlop* objected to the Motion for the Committee only because he feared at that late period of the Session it could lead to no practical result.

Mr. *Maxwell* briefly replied. It was incumbent on them, if they would not lose the confidence of the people altogether, to grant their request, and inquire into their complaints.

The House divided: Ayes 70; Noes 42 —Majority 28.

The Committee was appointed.

COUNTY CORONERS' BILL.] On the Motion of Mr. Cripps, the County Coroners' Bill was recommitted.

On Clause 6th being proposed, which increases the allowance for an inquest to 30*s*., and the mileage to 1*s*. 6*d*. per mile.

Colonel *Davies* opposed the clause. There was no occasion for any increase in the allowances, as under the present system there were plenty of candidates for the office of Coroner.

Sir *George Strickland* attached great importance to the due support of the office of Coroner, and said, that for many years it had been felt that the remuneration was insufficient. Many years ago, a Bill had passed that House to give a much larger remuneration than was proposed by this Bill. The clause had his cordial support, as absolutely necessary, in order to secure the services of just and proper men.

Mr. *Cripps* said, the Bill was based on the evidence of highly respectable witnesses examined before a Committee. Many respectable Coroners declared they would resign, if the salary were not increased.

The Committee divided: Ayes 68; Noes 47—Majority 21.

On the Clause allowing Coroners 1*s*. 6*d*. travelling expenses, or mileage,

Colonel Davies proposed, that the blank of the clause should be filled up by 9*d*. per mile.

The Committee again divided: Ayes 87; Noes 51—Majority 36.

Colonel Davies then proposed that the blank should be filled up by 1*s*. a mile.

The Committee divided on the original Question: Ayes 79; Noes 55—Majority 24.

Mr Brotherton proposed the insertion of 1*s*. 3*d*. per mile.

The Committee again divided on the original Question: Ayes 75; Noes 53—Majority 22.

The Clause, allowing of 1*s*. 6*d*. per mile, agreed to.

The other Clauses were agreed to, and the House resumed.

JEWISH DISABILITIES.] Mr. Robert Grant moved, that the Jewish Civil Disabilities Bill be read a third time.

Mr. *Shaw* thought that the right hon. Gentleman had done sufficient in presenting a petition in favour of the Bill without proceeding with it to-night. The right hon. Gentleman must be fully aware that at that late hour many hon. Gentlemen were absent who were opposed to the Bill. He knew that the hon. Baronet, the member for the University of Oxford, was anxious to state his objections to it.

Mr. *Robert Grant* said, that he was in the hands of the House, but was most anxious to go on. He had stated to the hon. member for the University of Oxford that he could not consent to postpone the third reading of the Bill. Ample opportunity had been afforded for discussing it, and he did not recollect any measure of importance having gone through the House with so little opposition.

Mr. *Hume* put it to the hon. and learned Member (Mr. Shaw) whether it was probable, after the discussions that had taken place, that there was any probability of offering anything like a successful opposition to the Bill.

Mr. *Cumming Bruce* had always been opposed to a Bill of this nature, and had divided the House upon it more than once. He thought that the right hon. Gentleman was acting unfairly in persisting in the third reading at that late hour. He (Mr. Bruce) thought the Bill of so much importance that he would put in practice the mode of proceeding suggested by the hon. member for Middlesex on another Bill in the early part of the evening, and persist in dividing the House on the Question. The hon. Member moved, that the House do adjourn.

The House divided: Ayes 14; Noes 50—Majority 36.

List of the AYES.

Agnew, Sir A.
Bethell, R.
Calcraft, J. H.
Finch, G.
Forster, C. S.
Gladstone, W.
Greene, T.
Hay, Sir J.
Hawkes, E.
Heniker, Lord
Knatchbull, Sir E.
Mandeville, Lord
Plumptre, J. P.
Shaw, F.

TELLERS.

Burrell, Sir C.
Bruce, C.

The Bill was read a third time and passed.

HOUSE OF LORDS,

Thursday, June 12, 1834.

MINUTES.] Bill. Brought up from the Commons and read a first time:—Jewish Disabilities.

Petitions presented. By Lord ROLLE, Lord KENYON, Lord SKELMERSDALE, and the Duke of BEAUFORT, from various Places,—for the Protection of the Established Church.—By the LORD CHANCELLOR, from Edinburgh, in favour of the Jews Civil Disabilities Abolition Bill.

ROMAN CATHOLIC MARRIAGES (SCOTLAND).] The Earl of *Rosebery* said, it was not necessary for him to trouble their Lordships with many observations in moving the second reading of the Bill for regulating Roman Catholic Marriages in Scotland. He need not inform their Lordships, that marriages might be contracted in Scotland without the intervention of a clergyman. It was only necessary that the parties should acknowledge themselves as man and wife before witnesses, or even by letter. In the reigns of Charles 2nd, and of William and Mary, Acts were passed for the purpose of impeding clandestine marriages, which imposed punishment on such dissenting ministers as solemnised them. These Acts were, however, evaded by the parties appearing before individuals not ministers, who were willing to officiate, and who were generally persons of the lowest and most depraved description. The penalties as respected them were wholly nugatory; but, under those Acts, very respectable persons—namely Dissenting ministers—might be severely punished. The object of the present Bill was not merely to remove the hardship under which these individuals laboured at present, but also to check those secret, improper, and indecorous marriages which now took place. Many persons did not wish to be married according to the forms of the Established Church, and the Bill was framed to give them a right to have the ceremony performed by the clergyman of the congregation, or of the communion to which they belonged, rather than that they should have recourse to such low and profligate instruments as he had before alluded to. The situation of Roman Catholics, as the law now stood, was particularly hard. Persons of that persuasion looked upon marriage as a sacrament, and they were prevented from having a clergyman of their own faith to perform the ceremony. By the present Bill the grievance complained of by them would be removed. His Lordship concluded by moving the second reading of the Bill.

Viscount *Melville* did not mean to oppose the second reading of the Bill. He thought, however, that the word "clergyman" which had no specific meaning in Scotland, should be altered. With respect to the marriage by a Roman Catholic priest of persons professing different religions, it was a subject which required deliberate consideration. He should make only one other remark. The preamble of the Bill recited four different Acts, which it was said, ought to be altered and amended; but their Lordships would hardly believe, that one of these Acts had been repealed 140, and the other 120 years ago?

The Earl of *Rosebery* said, it was his intention in the Committee to propose an alteration of the word "clergyman" to "priest." He should willingly listen to any suggestion of his noble friend with respect to the solemnization of marriages by Roman Catholic priests. As to the third point to which his noble friend had referred, he could only say, that the Bill had been framed by an individual who, he believed, was as well acquainted with the law of Scotland as his noble friend.

The Bill read a second time.

HOUSE OF COMMONS,

Thursday, June 12, 1834.

MINUTES.] Bill. Read a first time:—Four-per-Cent Annuities.

Petitions presented. By Mr. HEATHCOTE, from Crowland, for Compelling Landlords, or Owners of Houses, rented under 10*l.* to pay all Parochial Rates; from Farmers of Crowland, against the Smuggling of Foreign Corn.—By Mr. PARROTT, from the Dissenters of Newton Abbott, Newton Bushel, against the Proposed Measure of Church Rates.—By Lord ALTHORP, from St. Mary's, Whitechapel, in favour of the Poor Laws' Amendment Bill.

POOR-LAWS' AMENDMENT — COMMITTEE.] The House, at the forenoon sitting, again went into a Committee for the further consideration of the Poor-laws Amendment Bill.

On Clause 45 being put,

Mr. *Cobbett* proposed the following Amendment:—"Provided always, that no regulation be made by which husbands shall be separated from wives, children from their parents, and parents from their children; or for shaving the hair off paupers; or compelling such as seek relief in the workhouses to wear badges, or put distinctive dresses on." If the House, he maintained, did not affirm his Motion, it would tacitly approve the principle which was meant to be negatived by it. It might be said, in answer to this observation, that no such thing as his Motion went to provide against would ever be practised, and that, therefore, there was no necessity for it. Why then, he asked, not say such things should not be, if the intention to put them into execution were not the object? It was, however, impossible not to believe that some such object was in view; and also impossible not to believe, that the Commissioners, by first denying relief to the able-bodied, except in workhouses, and then making workhouses irksome to them by every means in their power, intended to destroy the system of relief altogether. That the relief of the poor was not the most expensive item in the burthens of the country he had long believed; a letter which he had this morning from the township and parish of Little Bolton, in Lancashire, confirmed him in that belief. In that letter it was stated, that the annual parochial assessment for the poor was 1,450*l.*, of which 745*l.* only went to their relief; the remaining 705*l.* being expended on the payment of overseers for collection, and on Session fees for various kinds of litigation. It was the general taxation of the country which caused the general distress, and not the pressure of the Poor-law, with all its evils and abuses. The hon. member for Lambeth had propounded, with the gravity of an oracle, that the poor had no specific right to relief. Now, he (Mr. Cobbett) was prepared to prove, on the contrary, that every man in England and Wales standing in need of parochial relief had a clear legal right to it; that that relief, moreover, should be assessed on the real property of the kingdom; and that every woman and child of these two countries, so circumstanced, had as good a right to relief as men. He would, moreover, prove that such was the common law of the land, and the condition on which every holder of real property held his tenure. He insisted further, that to pass any law to abrogate, to nullify, or to lessen this right of the poor was a violation of the contract upon which all the real property of the kingdom was held. He was ready to maintain, that this was the law of the land. But the noble Lord, the Chancellor of the Exchequer, said, that he did not mean to deny relief to the poor. No, he did not,—he had not the honesty, the sincerity, the manliness, to deny relief directly. But he put the power of denying it into the hands of his three red herrings stuck up in London. In the whole of this Bill he (Mr. Cobbett) saw a design to grind down the people of England, and to take away their right of relief. The people of England had this right before the Reformation. The great and small tithes had always been the first property to be assessed; and when a law was passed to relieve the small tithes from that liability, care was taken that the poor should have compensation. In the Act of Elizabeth, which was a compact between the landowners and the people, there was a clear recognition of the right of the poor to relief. But there was no stipulation that it should be made as irksome as possible; there was no stipulation that the husband should be separated from the wife, and the children from both, and that all communication between them should be cut off; there was no stipulation, that they should have badges put on them in the workhouse; they were not to be relieved at the will of negro drivers from the West Indies, or of fellows brought from the yeomanry, or from Scotland. Now, if that House did not determine that the poor should not wear badges, that their hair should not be cut off, and that they should not be clothed in *san benitos*, and that they should not be cut off from all communication with their friends, the whole of the landlords of this country would become heritors—ay, they must put up with that Scotch name if this Bill should pass. He sincerely trusted, however, it would not pass; and he had some reason to hope it would not pass. Thank God! the country still possessed a House of Lords; and while that tribunal existed the poor man had no reason to despair of justice. The Government paper of that morning, doubtless with the sanction of its employers, said it was absolutely necessary that the House of Lords should be remodelled; but let that Government take care how they touched that Assembly. The people of England looked to the House of Lords for the correction of those anomalies in legislation which the Reformed Parliament was every day perpetrating, and it would be a dangerous task to deprive them of the consolation its existence afforded. The great mass of the people were looked upon by many as seditious and revolutionary in their demands for Reform; but when the people called for that measure did they ever call for any of those monstrous projects of spoliation and coercion which his Majesty's present Ministers were almost daily announcing? Did they call, for instance, for the demolition and spoliation of the Church? Did they call for an enactment to rob the poor of the only compact ever made in their favour—he meant the Poor-law of Elizabeth? Did they call for a Coercion Bill for Ireland? Did they, in short, call for any one of those monstrous measures which the present Administration had brought forward? No; what the people did ask for from a Reformed Parliament the Ministers would not grant to them, while measures which they abhorred, and deprecated as much as they abhorred, were proposed and enacted. The country, from one end to the other, demanded the abolition of undeserved pensions and sinecures. Had it succeeded in obtaining that object? No.—The people required the reduction of the interest on the National Debt proportioned to the augmented value of money. Was their request acceded to?—No. They asked for the reduction of taxation, more especially for the abolition of the malt, hop, and soap, tax. Did they obtain what they asked for?—No. They required that salaries should be reduced. Was that done?—No. In no instances were the wishes of the people attended to, while Parliament was for months together occupied in legislating upon subjects in which the people had little or no interest. Did they ever pray about Dissenters being admitted to the Universities, or other unprofitable trash of the sort, with which the time of Parliament had been taken up? Did they ask for the Poor Man Robbery Bill then under discussion? God forbid! they had not done so. Did they again, pray for a remodelling of the House of Lords? Again, would he say, God forbid! That project was now promulgated by the Government papers of that morning, and with the Government ought and would rest all the odium of the business. One of three projects was proposed for the purpose. [*Here there were loud cries of "Question."*] If hon. Members were anxious to see him sit down, they were taking the very worst means to induce him to do so. One of three projects was proposed for the new-modelling of the House of Lords. The first was to turn out all the poor Lords—

Mr. *Pryme* rose to order. He contended that even the limits of a Committee of the whole House did not enable the hon. Member to answer a paragraph in a Newspaper, or upon a discussion on a Poor-laws Bill to speak in any way respecting the House of Lords.

Mr. *Cobbett* would insist upon it that he was perfectly in order. He was showing, that even the portion of the people who were accused of being revolutionary and seditious in their designs when calling for

Reform did not go half so far in revolution or sedition as the members of the existing Government. He was showing, that they did not go the length of calling for a Church Spoliation Bill, or for a Coercion Bill; and more particularly that they had not prayed for the project which was that morning promulgated by the Government organ. He meant the remodelling of the House of Lords. The first project recommended for the purpose was to turn out the poor Lords; the second was to abolish the House as a Legislative Assembly altogether. Now God forbid that should ever be the case! The House of Lords, he repeated, was now the poor man's sole hope. Deprive him of that Assembly, and he was without a protector. The third project recommended by the Government for the remodelling of the House of Lords was the addition of some rich money-mongers to its present numbers. Wealth was indeed fast undermining every ancient principle of the Constitution, and so doubtless, unless checked, it would do with the House of Lords. The hon. Member concluded by moving his proviso.

Lord *Althorp* said, that no man knew better than the hon. Member himself, that the House, in rejecting the Amendment, would not be expressing an opinion in favour of the practice which it sought to prohibit. As well indeed might he argue that the House, in rejecting a clause (supposing it to be proposed as part of the Bill under discussion) having for its object to prevent the hon. Member saying the same thing ten times over in the one speech, were desirous of hearing the same argument repeated, as that the House of Commons in negativing his Amendment were favourable to the practices against which it was directed. He had further only to say, that it was not intended as a general rule that a man should be separated from his wife, or children from their mother, or that paupers should have their hair shaved or be compelled to wear badges. The Commissioners, however, were to be vested with power to deviate, in case they found it expedient, in particular instances.

Mr. *Baines* concurred very much in the general opinion entertained by the hon. member for Oldham, in respect to his objections to this Bill; but he deprecated the use of an expression that was calculated to excite the ill-feeling of the lower classes of society. Many of the evils just complained of by the hon. member for Oldham, were the evils of the present system. He believed that the object of the proposers of this Bill was to save the money of the rich, and to make the poor more independent than they now were. He hoped that the discussion on this measure would be conducted with good feeling, and in a spirit of fairness.

Major *Beauclerk* wished to know if it was intended to give to the Commissioners a power to separate man and wife?

Lord *Althorp* said, as a general principle the Commissioners would not have the power of separating man and wife, but there might occur cases where it would be necessary to make this separation.

Colonel *Williams* did not think, that the Commissioners should have the power, under any circumstances, of separating man and wife, inasmuch as it was vesting them with a power to do that which the law declared illegal.

Sir *Henry Willoughby* said the hon. member for Oldham might omit those parts of his Amendment which went to deprive the guardians of all power over the paupers.

Mr. *Cobbett* replied, that if the paupers did wrong there was the law to punish them as well as any other offenders.

The Committee divided on the Amendment: Ayes 17; Noes 128—Majority 111.

The Clause was agreed to.

On Clause 46, which enacts, that from and after the 31st day of June, 1835, parochial relief should cease to be given to the able-bodied men,

Mr. *Poulett Scrope* recommended an alteration of the clause, excepting from its operation families of six and seven children, and fixing the time at which the Bill should come into operation, with respect to such families at different periods.

Lord *Althorp* meant to propose an Amendment to enable those parishes which could easily abolish the allowance system to do so at once, and to leave it for other parishes in which the system could not be abolished at once, to bring the clause gradually into operation.

Colonel *Torrens* considered this the most important, and at the same time, the most delicate, part of the Bill. The allowance system was the worst part of the maladministration of the Poor-laws, and it was at the same time the most difficult to deal with. The single man would, in the natural course of things, receive as much wages as the married man. But the practice of giving parish allowance to the married man, enabled the employer to lower the wages of both married and single men; and made it the interest of the farmer to employ the married, whose children the parish had to support, in preference to the single. If the clause passed in its present state, and no assistance were to be given to a married man with a large family, he would not be employed at all, and especially where there was surplus labour in the parish.

Sir *Thomas Freemantle* approved of the clause, and especially with the Amendment which the noble Lord meant to propose. The attempt had been made, in various parishes, to get rid of the allowance system, and the greatest difficulty was, to provide for large families, which could not be maintained upon the wages of the father? The way in which he had known that difficulty to be met was this:—The children above ten years of age were considered independent labourers, and employed as such by the parish, in agricultural work of a light nature, at wages of from 2*s.* to 2*s.* 6*d.* a week. But he feared that, if all the children under sixteen years of age, were made to depend altogether on the labour of the father, in many parishes the vestries would be reluctant to give them employment, even where that could easily be done.

Mr. *Robinson* admitted, that the present system of allowing wages out of the rates to agricultural labourers, was highly objectionable, but he was bound to look to the effect of the alteration of this part of the present system, by the clause now before the House, and he very much feared that the effect of the alteration would be, to create an increase of pauperism, because, if the poor were not able to get permanent employment, the Commissioners would have no power, should relief be applied for, but to send these labourers to the workhouse. If such were the effect of this clause, could the noble Lord contemplate what would be the number of workhouses that would be necessary to contain all these pauper labourers?

Mr. *Grote* said, that those who opposed this clause, overlooked the supplemental clauses which provided for the suggested difficulties. He did not think, that the evils contemplated by the opposers of the clause, would arise.

Lord *Althorp* knew, from the labourers he himself employed, though he did not give them higher wages than other farmers, that men who were industrious were able to support large families. He believed that if men were paid by the job instead of by the day, they would be able to support large families. With respect to the clause, he thought, that every provision was made by it that could be made, and if they did not carry the clause into effect, it would be useless to try to amend the Poor-laws.

Mr. *Mark Philips* thought that some provision ought to be made to relieve the hand-loom weavers from the operation of this clause, their case being different from that general practice which the clause sought to guard against. In the parish where he resided, there were not less than 200 persons of this description, who received small sums in aid of their wages, and who would starve or go to the workhouse, if that were wholly withdrawn.

Mr. *Hardy* hoped, that some provision would be made to exempt the persons employed in the hardware trade, from the operation of the clause. It was customary when that trade was slack, for the employer, instead of giving his men 14*s.* for a week's labour, to give 7*s.* for three days' labour; and as partial employment would exclude a man from parish assistance, great destitution and misery would result.

Mr. *Blamire* suggested, that it would be expedient to give to the overseers of parishes, where there were no guardians, the discretionary power to relieve applicants on his own responsibility, and subject to the consent of the Commissioners.

Lord *Althorp* said, the power was given to overseers equally with guardians by the proviso at the end of the clause. In the cases supposed, of work being slack, they seldom occurred so rapidly as not to allow of an application to the Commissioners.

Mr. Hodges objected to the clause *in toto.*

It being three o'clock, the House resumed and adjourned.

Corn Laws—Timber Duties.] Mr. *Poulett Thomson* laid on the Table a return, showing the quantity of corn imported and ground into flour in the Isle of Man, and in Guernsey and Jersey, and also the quantity of flour imported from those islands into ports of the United Kingdom. In moving, that this return be printed, the right hon. Gentleman observed, that they would show that the alarm which had been excited in some quarters, as to the evasion of the Corn-laws, by the importation of foreign corn into those islands, was unfounded. This return, he had reason to know, was perfectly correct, and would show, that no fraud had been committed by the evasion of the law, at least to any extent. He had taken measures to prevent any such fraud in future, but in the mean time the account which he had now presented, would show the inaccuracy of the reports that had been in circulation as to the extent to which the Corn-laws had been evaded. From what he had heard on the subject, he had reason to believe, that the amount imported in that period was not above the ordinary proportion.

Mr. *Robinson* said, that the Government had no doubt acted very properly, in the assurance thus given that the landed interest should have the benefit of the Corn-laws as long as they continued the law of the land. But he should be glad to hear from the right hon. Gentleman, why the Government had not applied the same principle to the laws now in force respecting the timber trade? He was not going to enter into any discussion as to the policy of either of those laws—that was not the question; but he would ask why a fraudulent evasion of the law in regard to the timber-trade should be permitted, more than an evasion of the Corn-laws? It was well known, however, that Baltic timber was carried to the Canadas, and from thence imported into this country, paying only the duty of Canada timber. The hon. member for London, who it was well-known entertained very different views from him on the subject of the timber-duties, moved a few evenings ago for an account of the quantity of Baltic timber brought into this country by way of Canada, and that was done with the view to show the impolicy of the timber-duties as they now existed. He would ask, would the Government have lent themselves to a similar course for the purpose of showing the impolicy of the Corn-laws? He asked the Government—and he hoped he should get a direct answer from the right hon. Gentleman, why should the timber be required to pay duty in the one case, and be exempted from it in the other? He must say, that this was done to create a prejudice in the public mind against the timber-duties. He repeated, that he did not object to give the landed interest the benefit of the Corn-laws as long as they existed; but he would ask that the same principle be applied to the timber-trade.

Mr. *Poulett Thomson* assured the hon. Member that he would not on this or any other occasion evade a question put to him. The hon. Member wished to place the Corn-laws and the laws relating to timber on the same footing. Now the difference was this—that in the one case the law prohibited the importation of corn, and the Government was bound to see the law enforced; but in the other case the law admitted what the hon. Member complained of, and Government did not feel it its duty to go beyond the law.

Tea Trade.] Mr. *Aaron Chapman* wished to ask for some explanation of a fact, that a large quantity of tea had been brought into Liverpool from Dantsic, a direct evasion of the late Act passed as to the importation of that article.

Mr. *Poulett Thomson* had only that morning heard of the importation of tea to Liverpool to which the hon. Member alluded. It was imported under that clause by which the parties conceived that they had a right to import tea from any place eastward of the Cape of Good Hope. He would not offer any opinion on the Act; but he was not aware that it was liable to the construction thus put on it, and he should be much astonished if any lawyers said it bore that construction.

Relations with Russia.] Colonel *Evans* rose to bring forward the Motion of which he had given notice on the subject of our relations with Russia. The question was one of great importance, and it required a more full discussion than in the present state of the House, and of the business of the Session, it would be likely to obtain. He was not, under these circumstances, disposed to press its full consideration on the House on this occasion. He would, therefore, without troubling the House by his remarks merely move the resolution which he had prepared, for the purpose of having it entered on the journals not intending to take the sense of the House on it. The hon. and gallant Member read the Resolution to this effect. "That, in the opinion of this House, it will be competent to his Majesty's Government, in conformity with good faith and the law of nations, to suspend, or altogether discontinue the annual payments now made by this country to Russia, should just ground appear for apprehending that the considerations distinctly laid down in the Convention of the 16th of November, 1831 (under which alone these payments can be demanded on the one hand, or justified to the British people on the other), are not faithfully, unequivocally, and completely fulfilled by the court of Russia." To him it did appear, though he would not for the reasons he had stated, enter into a full discussion of the subject, that Russia had violated the conditions of the convention of November, 1831, by its dissent from the course pursued by France and England to enforce the surrender of Antwerp. That he looked upon as a violation of the convention, and certainly where a doubt existed on the question, it was hard upon the people of this country to be called upon to pay nearly 100,000*l.* a-year to that power, while they were at the same time paying 10,000*l.* a-year to those unfortunate Poles who were the victims of its tyranny. He hoped, under these circumstances, that the noble Lord would not object to this Motion.

Lord *Palmerston* did not rise to dispute the proposition contained in the Resolution of the hon. and gallant Member, for he admitted, that it was not only the right but the duty of Great Britain to suspend the payments under the treaty, if it were proved that Russia had not fulfilled her part of the treaty. Beyond that point, however, he could not go with the hon. and gallant Member. He could not concur with him, that any reason had yet been afforded for suspending or refusing payment. On this ground he could not vote for the Resolution, which seemed to imply a suspicion of want of faith, as well as a condemnation of the acts of Russia, and he should meet it by moving the previous question. The hon. and gallant Member appeared to think, that the Convention had a wider scope than really belonged to it. If the House not only attended to the words of it, but would call to mind the manner in which it was framed, and the circumstances that led to it, the House would find, that it did not bear so extended an application. Before he touched upon the history of the Convention, he would state the difference between his understanding of it and that of the hon. and gallant Member. The hon. Member seemed to think, that the condition attached applied to all the affairs of Europe coming within the scope of a Treaty; but, in fact, it applied solely to the Treaty with Belgium and the Treaty of Vienna. There had been a former agreement between Great Britain and Russia—a condition of forfeiture, should there be a separation between Belgium and Holland. A separation did occur, but not in the manner contemplated by the framers of the original Convention, and hence it was thought that Great Britain could not claim of Russia a cessation of the annual payments. The Convention contemplated the separation of Belgium and Holland against the wishes of the British Government, and it contemplated also an invasion of Belgium by the armies of France. The separation took place in consequence of differences between the northern and southern provinces, and it was sanctioned not only by this Government, but by the five Powers. Great Britain concurred cordially in the necessity of separation, and was most anxious that the independence of Belgium should be secured by a Treaty between the great Powers of Europe. A new arrangement was then entered into, by which the southern was separated from the northern portion of what had before constituted one kingdom. To that arrangement, Russia was a consenting party. What pretence was there then for our withholding those payments which we had before stipulated to make? If Russia had endeavoured to prevent the independence of Belgium, or had endeavoured to unite it with France or Prussia, or any other power, then indeed England would be justified in withholding her payments under the former treaty. Had that occurred? It would be going too far to say that, upon a fair construction of the treaty in question, the English Government would be justified in declaring, that in consequence of the policy recently pursued by Russia towards Poland and Turkey, it had forfeited its claim to the payment of this money—it would be going too far to say, because Russia had pursued a policy in other parts of Europe adverse to our interest, and which might be a violation of the treaty of Vienna, therefore that the penalty of forfeiture of this money should attach to the conduct of Russia. One of the grounds which the hon. Member had stated for this Motion was, that Russia did not unite a year and a-half ago in the measures of coercion which were taken against Holland. Now, he thought that, upon no pretence of fairness could such a ground be set up as a valid reason for refusing to fulfil the present stipulation with Russia. Russia then objected to the particular mode adopted for carrying the object of the Allied powers into effect. She did not say, that she would not carry the existing treaty of 1831 into effect; she proposed other measures to carry it into effect which Great Britain and France did not consider effectual; but it did not follow because Russia refused to concur in the measures adopted by them, that, therefore, she had been guilty of bad faith on the occasion. Russia fully concurred with this country and with France as to the principle of carrying that treaty into effect—it only differed from them as to the means of effecting that object. Russia did not differ from France and England simply and individually on that occasion—she differed in conjunction with Prussia and Austria; and they differed from England and France upon fair and legitimate grounds. He was ready to admit, that if the case should arise contemplated in the resolution proposed by the hon. Gentleman, it would then be the duty of his Majesty's Government to suspend the payment of this money. But he would say, that no such case had arisen. Even if any hon. Member thought it was likely that such a case would arise, he was sure that such hon. Member would agree with him in the opinion that it would not be wise or fitting for Parliament to say beforehand that we should suspend those payments, in anticipation of Russia violating her engagements. He entertained no anticipation that Russia would violate her engagements. He was sure that it was the determination as well as the policy of Russia to fulfil its engagements in reference to Belgium. But even supposing, that such an anticipation should prove well founded, he thought that the House should yield to the executive Government the responsibility of considering what course should in that case be pursued. If it appeared that the Government then neglected its duty, and continued the payment of this money, it would be open to the hon. Member, or to any other hon. Member, to call the Ministers before Parliament; and if they did not afford a satisfactory explanation of their conduct, to call on Parliament to pronounce a censure upon them. On the present occasion, as he could not give a negative to the abstract principle laid down in the hon. Member's resolution, he would move the previous question upon it.

Colonel *Davies* said, that concurring in what had fallen from the noble Lord, he would support the Amendment. In his opinion Russia had done nothing to render the stipulations under which this money was now paid forfeited. At the same time he must say, that it had always been his opinion that since the separation of Holland from Belgium, Russia had no legal right to this money. Parliament, however, and the Law Officers of the Crown had decided otherwise. Another objection in his opinion to this Motion was, that it would afford a second Parliamentary sanction to the legality of those payments.

Mr. *Hume* agreed with the hon. Member, that Russia had no legal claim to this money after the separation of Belgium from Holland, though he voted at the time for the Bill under which the payments were made as a matter of policy. Of this he was certain, that Russia had not fulfilled the conditions under which those payments were guaranteed to her. He would ask the noble Lord whether the differences which existed between Belgium and Holland might not long ago have been put an end to, if Holland had not been encouraged to hold out and resist through the secret influence and machinations of Russia? The conviction on his mind was, that the influence of Russia had been chiefly, if not solely exercised, to prevent a settlement of that question. He was aware, that we were not in a position to prove this against Russia, but it was nevertheless a notorious matter, and he was of opinion that under such circumstances this country would be fully justified in withholding the payment of this money, seeing that Russia had not fulfilled the conditions according to which its payment had been stipulated. Though he could not vote for the Resolution proposed by the hon. member for Westminster, he thought it right to state his opinion on the subject.

Colonel *Evans* would not press his Motion to a division. He had not brought it forward to express the slightest disapprobation of the noble Lord's policy; on the contrary—especially as regarded the Peninsula it had his highest approbation.

Previous question agreed to.

PARLIAMENT IN IRELAND.] Mr. *Bish* rose to move, pursuant to his notice, that an humble Address should be presented to his Majesty, praying "that he will be graciously pleased to hold his Court and Parliament occasionally in that part of the kingdom called Ireland." Such a proposition was no party measure; it was, on the contrary, one which might be supported by all sides of the House—by Whigs, Tories, and Radicals, by Protestants and Catholics, by men of every religion, and of every shade in politics, by Repealers and anti-Repealers—in short, by all the Members in that House. He was sure that, if a Repeal of the Union should take place, it would be the ruin of the country. He himself had been in Ireland, and he could speak from personal observation as to the condition of that country. He could say, from what he saw, that it was in a most desperate, in a most deplorable—indeed, he might almost say, in a disgusting state. If this alteration were adopted, it could not of course come into operation sooner than twelve months; and, in the mean time, even then the greatest advantage would be produced by it, as the command that would go forth to get their House in order, and the other preparations that would be made for holding a Parliament in Dublin, would give employment to a great portion of the people of Ireland. If this Motion were granted, that great stumbling-block in the way of the improvement of Ireland, the absentees, would be removed; and, unless they sent back the absentees to Ireland, it never would be quiet. To get them back, the land must be made habitable for them, and the absentees would not go back at present, because they were in danger of having their throats cut every week. It had been stated, on good authority, that nineteen-twentieths of the land of Ireland belonged to absentees; and it was not, therefore, to be wondered at that the country was in such a state. Though he did not complain of the Magistracy of Ireland, yet he thought that, if Ireland had a resident gentry, there might be more satisfaction. Many of the right hon. Gentlemen on the Bench opposite knew nothing of Ireland—several of them had never seen it; the only Irish Gentleman in the Cabinet belonging to the Government was at present out of Parliament. The truth was, that all places abroad were well known to them; but the most that many Irish Gentlemen knew of their own country was the shortest way out of it. In a case of this kind the expense that might be incurred, by the adoption of such a measure, was not comparable to the advantages that would flow from it; and the expense would, in a short time, be reimbursed by those advantages. The consequence of holding a Parliament occasionally in Ireland would be, that absentees would return there, and that capital would settle there, there being no country better adapted than Ireland, if it were peaceable, for the advantageous employment of capital. There was, at this moment, a large quantity of English capital ready to be embarked there; but, until the country was quiet and property secure, no Englishman would venture his property in it. Another effect from having a Parliament occasionally in Ireland would be, that they might reduce the standing army, as the country would become quiet, and party spirit would be done away with. At the present moment, party spirit ran high in Ireland, and it was but recently that the Lord-lieutenant and his secretary were insulted at some of the party dinners in Dublin, and persons holding official situations were known to join in the insult. If he (Mr. Bish) had the power of the Government, he would soon send such persons to the right about. He thought, that the hon. and learned Gentleman, the member for Dublin, and his party, did not show good policy in always abusing the Whigs, and saying, that they never did anything. To be sure, there was not much love lost on either side, for the Whigs called him and his party demagogues, agitators, disturbers, and, if not traitors, within seven-eighths or fifteen-sixteenths of traitors. He remembered that the day after the speech of Mr. Stanley on the Coercion Bill, when he (Mr. Bish) went into the city, the question of every one to him was, "Where did you sit?" "Did you hear Stanley's great speech? How brilliant he was! Those fellows must be put down." Others had very kindly said, "It would be a very good thing if Ireland were swallowed up in the ocean." But those things would not do. Now let them adopt his plan of conciliation. It could be effected in a short period of time. Perhaps a twelvemonth might be necessary, in order that the place might be put in order. He had seen both Houses of Parliament before the Union. He had been in Dublin before the Union, and it was a gay and lively city then. But what was it now? It looked just as if the cholera had taken possession of it. It might be said, that there would be great inconvenience produced by having two seats of Government, but he did not think so. He considered, that a good deal of mischief had been done to Ireland by the Lord-lieutenants and the Secretaries. Those Gentlemen generally pulled different ways, and, if they managed to get popular, then their recall arrived. When it was considered what a complete, binding, and real union would then take place between the two countries, by marriages and inter-marriages, and that such sociability and such a blending of the two people would be the consequence, he was sure it would be admitted, that no wish would then exist for separation. Ireland would then be like a county in England—like Kent or Gloucester. They need not trouble themselves, then, to be charitable to Ireland; she would not want our charities. Sir Walter Scott had made Scotland known to England. Before he introduced her to the notice of the public by his excellent writings she was an obscure and impoverished country. Now, every one went to Scotland, and her natural beauties were highly relished. Why should not Ireland have the same good fortune? He saw no reason. If the Parliament went over, no doubt new markets would spring up. If the Court were to go there, and the Parliament were to go there, they would find the country in every way adapted for them. No doubt new watering places, such as Brighton, Margate, Hastings, and Tunbridge-wells, would also be built there, and he had no doubt that there was plenty of mineral and other waters in Ireland for their gratification. Such a course of proceeding would add immeasurably to the wealth and security of Ireland. He thought it would be advantageous and agreeable to the King himself thus occasionally to visit his Irish dominions. For his part, he never could understand why the King should be confined, as at present, in a State prison. Before his Majesty came to the throne he could do what he pleased, and go where he pleased, and nobody took any notice of him. Much good might be done by his Majesty's travelling through the country. There was no doubt that it would be an inconvenience to some hon. Members to be obliged to attend a Parliament in Dublin, but, to the great majority of them, it would not, as, when they left their homes, it was of little consequence to them where they went. The inconvenience would, in some degree, be balanced by the convenience that would arise to the Irish Members by Parliament sitting in Dublin. He had himself lately heard the hon. and learned member for the city of Dublin draw a moving picture of the inconvenience to which Irish Members were exposed in being dragged over to attend the Parliament here. He could not state the eloquent terms then used by that hon. and learned Member, but he could mention the substance of them. That hon. and learned Member complained, that they were dragged over here from their homes and their families, that they were transported to a foreign country, obliged to sit in a House of foreigners, to submit to the dictation of foreigners, and, to complete their misery, the hon. and learned member said, that they were compelled to live in cellars and garrets, instead of their own houses. He was aware that he had made a very rambling speech, but he was, nevertheless, much indebted to the House for the attention which had been bestowed upon him. He had not thought proper to ask any hon. Gentleman to second the Motion with which he should conclude, and which he should leave the House itself to dispose of. The hon. Member then moved, "that an humble address be presented to his Majesty that he would be graciously pleased to hold his Court and Parliament occasionally in that part of the United Kingdom called Ireland."

Mr. *Ruthven* rose, on the spur of the moment to second the Motion of the hon. Member who had just sat down,—a Motion to which he was sure no Irishman could object, but, on the contrary, every Irishman would receive it with delight, inasmuch as, if adopted, it would enable the people to see the monarch who ruled over them more frequently than was at present their good fortune. He regretted, that the proposition should have been received with that mirth which its importance did not merit. He must, however, state, that even if the Motion were carried, the demand of the people of Ireland for repeal would not be put down, for they sought not a partial Parliament, but a permanent Legislature sitting on College-green. He would not trouble the House further than to second the Motion.

Mr. *Lalor* felt bound to support the Motion, and he hoped the hon. Member would press it to a division.

The Motion was negatived without a division.

OFFICE OF POSTMASTER-GENERAL.] Mr. *Wallace* had to bring under the notice of the House, a subject which he should not at present have introduced, were it not from the peculiar situation in which the matter stood. He alluded to the propriety of putting the office of Postmaster-general under the management of a Board of Commissioners. This course had been strongly recommended by the reports of no less than three different Commissions of Inquiry, and he was satisfied it would not only be beneficial to the public service, but also a measure of very great economy. By the office being put in Commission, a saving and increase of revenue would be effected, amounting together to not less than 200,000*l.* or 300,000*l.* per annum; and he therefore would entreat the Government to make the experiment. Without having regard to the actual outlay, he hesitated not to say, that three efficient Commissioners could be found to discharge the duties for the salary which had hitherto been paid to the Postmaster-general, and thus would be secured the services of three men of business, instead of one Peer of Parliament, whose duties to his country in the other branch of the Legislature must materially interfere with that close attention which was necessary in the head of so important a department as the Post-office establishment. He felt it his duty also to state, that, in the office of Postmaster-general, there was not only a fearful responsibility, but also vested a most unconstitutional power with immense patronage. That officer had the appointment of every person within the range of the Post-office establishment in England, Ireland, Scotland, and the colonies. That patronage had been, and might again be, made use of for political purposes, and thus produce an effect upon the representation of every city, town, and district in the realm. The extent of patronage in England alone was immense, as would appear from the circumstance, that the Postmaster-general had the appointment of not less than 1,500 postmasters, besides all the subordinate servants employed by each. By placing the office in the hands of three Commissioners—the chief with a salary of 1,000*l.* per annum, and the other two 800*l.* each, an effectual benefit and advantage would ensue to this branch of the public service, and many of those blots and evils would be removed to which, on an early day, he should feel it his duty in his place more particularly to advert. He could not avoid expressing his gratification at, and bearing his testimony to, the able conduct of the noble Duke who had recently seceded from the office of Postmaster-general, with regard to the communication with France. He must join also in thanking that noble Duke for the free transmission of the literary productions of this country, and for that free intercourse which assisted in the extension of its literary knowledge over the whole of Europe, and especially that most important branch of literature, political knowledge. For these advantages the country was indebted to the exertions and good feeling of the late Postmaster-general, whose conduct, when lately in communication with the Post-office Department in France, he had ascertained to have been of the most conciliatory nature. Having found it to be his duty to wait personally on Dr. Bowring, one of the authors of the report just put into circulation, on the commercial relations with France, including Post-office arrangements of course, and who had just returned from that country, that Gentleman had assured him of the Duke of Richmond having been no less liberal and generous in the late great achievement than the individuals representing the French Post-office. The hon. Member concluded by moving, "that an humble address be presented to his Majesty, praying that he will be graciously pleased to place the office of Postmaster-general under the management of a Board of Commissioners, as had been strongly recommended from time to time in the reports made by three Commissions appointed to inquire into and report on the management of the Post-office."

Mr. *Hume* seconded the Motion. His hon. friend had forgotten to state a very important reason why the Postmaster-general should not be a political man, but which had been mentioned by the Commissioners. In consequence of the Postmaster-general being a political agent, he was changed with every Administration, and the result was, that the management of the department was left in the hands of the Secretary. This had been the case for the last thirty-five years. He did not wish to say anything harsh of the individual who held the office of Secretary, and he admitted that, during the time that Sir F. Freeling had held that office, he had assiduously attended to and faithfully discharged his public duties. It was impossible, however, for any one to doubt, who had read the Reports on the Table, that there was no department of Government in which fewer improvements had been made during the last fifteen years than in the Post-office. He did not allude to the last three or four years, in which time there certainly had been made many desirable changes. If, however, the Post-office had been under the management of Commissioners instead of a Postmaster-general, he had no doubt that a very different state of things would exist there from what obtained at present. Had proper attention been paid, the present inequality of postage, which caused so many complaints, would not exist. Why not manage the Post-office as the Excise, Customs, and Stamps, namely, have Commissioners, who should be directed to communicate with one of the Lords of the Treasury in cases of emergency? He perhaps carried his notions on the subject further than most persons, and thought that the Post-office should not be made a source of revenue in a well-regulated country, but merely the means of imparting information. In the United States, a letter could be sent 2,000 miles for very nearly the same sum that was charged for a letter brought from St. Alban's to London. In a country like England, with its excellent roads and other facilities of communication, the charge for postage should be comparatively little. At the present moment his Majesty's Government had the opportunity of making this desirable change which the interests of the country called for. He did not so much regard whether three individuals, or one individual only, was appointed, as that care should be taken, that ample time was devoted to the business of the office, and that no person having control in the department should be mixed up in politics. He was sure, if the change which he had suggested was adopted, that the revenue would be increased, the inequality in the charge for postage would be removed; and, above all, that a great reduction would be made in the charge for postage. He would also recommend, that the laws relative to the Post-office should be consolidated, as they were almost unintelligible at present.

Mr. *Vernon Smith* admitted, that one strong reason had been urged for the present Motion, and in which he was sure that the whole country would concur, namely, the extreme difficulty that there would be in finding a person to discharge the duties of the office of Postmaster-general so efficiently as they had been performed by the noble Duke who recently filled that office. The candid and manly manner in which that noble Duke treated all those who were called upon to transact business with him, had been a source of general gratification. During the short period of his own public life he never recollected a person with whom he had been called upon to transact business who exhibited more anxiety to perform the duties of his office to the satisfaction of the country, or who had better succeeded in attaining that object. To speak, however, on the question before the House, the hon. Gentleman could not imagine that the House could agree to the present Motion. The hon. Gentleman had stated that, if reference was made to the Reports of the Commissioners of Revenue Inquiry, it would be found that they all concurred in the views he entertained on the subject. He must deny, that the Reports bore such an inference. He would, however, examine the advantages which both the hon. Members said would be derived from a change. In the first place, it had been contended, that the Postmaster-general should not be a political officer. The hon. Member, however, had complained on a former occasion, that the Post-office was not directly represented in Parliament. If this were to be done, it was absolutely necessary that the head of it should be in Parliament. With reference, however, to the appointment of Commissioners, it was unnecessary for him to take up much time. All men who had been engaged in business must know, that authority in certain cases must emanate from an individual; and, if a Board of Commissioners were appointed, either the Chief Commissioner or the Secretary must, in certain cases, have a controlling voice. This was the case in the Excise, Customs, and Stamps,—in all which Boards the Chairman decided on important occasions. This was also the case at the Board of Treasury; at which the Chancellor of the Exchequer, or, in his absence, the Secretary of the Treasury, had the greater influence. It was not only desirable, but absolutely necessary, that such a controlling power should exist. Again, the question of economy could be much better gone into when the document for which the hon. Member had moved was laid on the Table, as it would tend greatly to elucidate the subject. The hon. Gentleman said, that the adoption of the change he proposed would lead to a saving of between 200,000*l.* and 300,000*l.* How this was to be effected he had yet to learn; and he was sure that his noble friend (Lord Althorp) would feel very glad to lay his hands on such a sum. The hon. Gentleman seemed to assume, that it was much better to intrust a Board with patronage than an individual. That was also a mistake; and he was sure the House would concur with him in thinking, that it was much better, that the patronage should be placed under the control of one individual, responsible to Parliament, than under three or four persons, who might easily shuffle the responsibility of their official patronage from one to the other. He was anxious that the discussion as to the advantages of a Board of Commissioners should be postponed to a future occasion, when they would have the advantage of the attendance of his right hon. friend, the Secretary for the Colonies, who, he was happy to inform the House, had just been returned for Cambridge. The hon. member for Greenock appeared to entertain very peculiar notions on the subject of patronage: indeed, he (Mr. Smith) believed, that the hon. Member formerly thought that the Members of Parliament should have the patronage of all places in the boroughs they represented. The hon. Gentleman contended, that the head of the Post-office should be a political officer, inasmuch as the duties to be performed by him were, for the most part, of a political nature. The admission, for instance, of foreign newspapers into every part of the country was a political act; and, therefore, he hoped the House would not consent to place that department under the management of a Board, instead of leaving it, as at present, in the hands of a political officer. It was utterly impossible that any Board could regulate the patronage or administer the affairs of the Post-office as efficiently as a single individual, and upon that ground he called upon the House to reject this Motion.

Mr. *Wallace,* in reply, said he had not, when he brought his Motion forward, the least expectation that it would be successful; and, therefore, it was not his intention to put the House to the trouble of a division. The reforms which he desired to see effected in this establishment must ultimately be carried; and, although he failed now in the object which he had in view, he should not therefore desist from doing all in his power to accomplish it. He thought, that there was no necessity whatever for having the management of the Post-office placed in the hands of a political officer; and it was his opinion, that the affairs of that department would be best administered if the head of it resided on the spot, and had no other duties to attend to. He agreed, however, with the hon. Gentleman who had just sat down as to the necessity of having one responsible public person at the head of every Board or department; and, if the office of Postmaster-general could only be filled by a Peer of the realm, then he was bound to say, that he should be very glad indeed to see the noble Duke, who had retired from that office, restored to it.

Lord *Althorp* said, that no one could possibly be more constant or unremitting in his attention to the duties of his office than his noble friend the Duke of Richmond had been; and, if his successor should be fortunate enough to discharge the duties of the office with equal efficiency, not only the hon. Member, but every other Member of that House, must be perfectly satisfied with him. Of course, a great deal of patronage attached to the office of Postmaster-general, but, in the distribution of that patronage, his noble friend had never once lost sight of the principles of justice and economy. His noble friend was the person who had effected such a considerable saving in the retired allowances of Post-office clerks. By appointing these clerks to be postmasters in country towns as vacancies occurred, he not only did the individuals themselves a great service, but saved the public the burthen of their pensions. It was not the fault of his noble friend that arrangements were not made for the free transmission of pamphlets and newspapers through the medium of the Post-office. Such an arrangement had long been under his noble friend's consideration, and the reason why it was not carried into effect was, because the expense it would occasion would be much greater than any advantages which could result from it.

Motion withdrawn.

CLAIMS ON SPAIN.] Lord *Ebrington* said, that the Motion which he wished to submit to the House had for its object the satisfaction of the claims of certain British subjects for compensation, in return for the loss they sustained in consequence of the confiscation of their property by Spain, arising out of the seizure of six Spanish vessels. The Act of which they complained was considered by many persons at the time as one of very questionable justice, especially by the noble Earl now at the head of his Majesty's Government, who made it the subject of a specific Motion. He had no wish, however, to enter into the merits of the case, he was merely desirous of stating the facts on which he rested his case. Various applications had been made by those persons for remuneration. He himself was one of a deputation in 1818—at which period he represented the county which he had still the honour to represent —which waited on the Government, and he could undertake to say, that the justice of the claim was never disputed, but the remuneration was always thrown upon Spain. On the other hand, a variety of applications were made to the Spanish

Government. That government equally admitted the justice of the claim, but stated, that it was to their own Government that these persons must look for redress. The last application made to the British Government on the subject, was when Mr. Canning was at the head of the Foreign Department; and it is somewhat remarkable that his principal reason for not conceding these claims was, that his acquiescence in them would involve the necessity of acceding to the claims of those persons whose property had been sequestered by the Danish government, and that a larger sum would be required for their satisfaction than the country could afford. The House admitted the justice of those claims by its vote on a former night. The sum required on this occasion, however, did not exceed one-fourth of the amount on account of the Danish claims; and that a seizure of Spanish property by Great Britain had been made to the extent of 800,000*l.* The same measure of justice ought, therefore, to be extended to these claimants. Without trespassing further on the attention of the House, he would beg to move, " That a Select Committee be appointed to examine into the claims of certain British subjects, to be indemnified for the confiscation of their property by the Spanish government, in 1804 and 1805, previous to the declaration of war between Great Britain and Spain."

Mr. *Baines* seconded the Motion, and contended that the cases of the Spanish and Danish claims were identical, and that the course taken with respect to the one furnished a precedent which ought to be followed in the other. The whole amount of the Spanish claims did not exceed 25,000*l.* or 30,000*l.*, and when the Government had received 800,000*l.* from the captures that had been made, surely it was not too much for these claimants to say, that they were entitled to have their debts paid.

Lord *Althorp* must protest against the course which his noble friend had adopted. Many Gentlemen who took an interest in the matter had left the House under the impression that the Motion would not come on that night. He must say, that there was no analogy whatever between these claims and the Danish claims. The two cases were distinct from each other; they stood upon totally different grounds, and if they were to entertain this case they would, by and by, be called upon to give satisfaction for every capture that had taken place, and every reprisal that had been made before war had been formally declared. The principle was one, however, which they could not possibly adopt. The Danish claims had not resulted from either capture or reprisals. In that case there was no confiscation of property, but only a sequestration of book debts, and this, he believed, was a case which had never before occurred. At the time, however, he thought the principle sought to be established objectionable, and all he could say was, that if it were adopted in the present instance, there would be no knowing to what inconvenience and expense it might lead. It was on this ground that he objected to his noble friend's Motion.

Dr. *Lushington* said, that he felt the utmost difficulty in bringing his mind to any conclusion on the case which his noble friend (Lord Ebrington) had brought under the consideration of the House; but he could not agree with his noble friend (Lord Althorp) that there was so obvious a distinction between the two cases, as that the one should be treated differently from the other. It was contrary to the law of nations to confiscate property not afloat at the commencement of a war, and if the attack which this country had made upon Copenhagen had been justified would not the Danish claims have been rejected? He could see no distinction between the two cases on the ground of lapse of time, and he had yet to be convinced that the capture of the Spanish frigates, which had led to the sequestration of the property of these claimants, was other than a violation of the law of nations—an act of atrocious, cold-blooded cruelty, perpetrated during a time of peace. Such were his feelings with respect to this capture; and did not the massacre of some of the noblest families connected with Spain, who were returning in these frigates from South America to their native country, produce in the minds of the inhabitants of Cadiz a feeling that rendered it very difficult indeed to bring the negotiations for peace in 1808 to a satisfactory conclusion?

Mr. *Vernon Smith* said, that as the seizure was made on the high seas, and not in the ports of Spain, and as there was a marked difference on that account between the present claim and the Danish claims, he would oppose the Motion. If claims of such long-standing were entertained, and of such a loose character, where could they stop? If the House chose to make an eleemosynary grant, very well; he would not oppose it. But to call on the House to grant a sum as a liquidation of such a debt, and as an act of justice, was what he could not sanction.

Mr. *Robinson* condemned the practice of granting Committees for the purposes of giving individual redress without rigid proof of the just claims of the parties. He should protest, in behalf of his constituents, against a series of proceedings which he thought at once unconstitutional and injurious.

Mr. *Richards* said, that on moral grounds there was no difference between the Spanish and Danish claimants. Both suffered injury in consequence of our attacking other countries without a declaration of war. A member of the Spanish Cortes was at that moment sitting under the gallery. [" *Oh, oh.*"] He would, then, only suppose such a person was there, and what would his feelings be if he found that justice was not meted out to his country, and that the ties of amity and brotherhood were not, as they ought to be, drawn close between nations?

Mr. *Hume* thought the whole proceeding very strange. No Committee was appointed—no petition was presented—but forsooth on a simple proposition of an hon. Member public money was to be voted away without remonstrance or inquiry, a course unheard of in Parliament. He would take the opportunity of observing, that the present Motion made it necessary to institute an inquiry into the appropriation of the droits of Admiralty, and necessary to introduce a very different practice with regard to them. It was high time that the plunder of innocent individuals on the high seas should not be considered as one of the prerogatives of the Crown.

The House divided—Ayes 28; Noes 62: Majority 34.

List of the AYES.

Attwood, T.
Barnard, E. G.
Bewes, T.
Blackburne, J.
Brodie, W. B.
Buller, J. W.
Collier, J.
Crawley, S.
Ewart, W.
Heathcote, J.
Lalor, P.
Morpeth, Lord
Mullins, F. W.
O'Brien, C.
O'Connell, J.
O'Reilly, W.
Parrott, J.
Pryme, G.
Richards, J.
Scholefield, J.
Sheppard, T.
Staunton, Sir G.
Strickland, Sir G.
Vigors, N. A.
Vincent, Sir F.
Wedgwood, J.
Whitmore, W.
Young, G. P.

TELLERS.

Baines, E.
Ebrington, Lord

IMPRISONMENT FOR DEBT.] The *Attorney General* rose, in pursuance of the notice he had given, to move for leave to bring in a Bill to abolish Imprisonment for Debt, except in cases of fraud, and to amend the Law of Debtor and Creditor. As he, however, did not anticipate any serious objection in that preliminary stage of the proceeding, he should not find it necessary to occupy much time in explaining the outlines of the measure, which, with the permission of the House, he should have the honour of introducing. He was anxious, in the first place, to justify himself from the imputation of any delay in bringing the subject forward. There was nothing nearer his heart than that imprisonment for debt should be abolished, except in cases of fraud; and, on the first day of the Session, he had accordingly given notice of a Motion for leave to bring in a Bill, in order to accomplish that object; but he ceased to be a Member of that House on the very evening for which his notice stood. The very day, however, on which he was restored to that House, he renewed the notice; and he now rose to make the Motion as expeditiously as possible. He would not go into the general merits of the question, whether there should be the power of arresting for debt or not,—that was a subject which had been very copiously discussed; and those who wished to see the arguments stated at length on one side or on the other, would find them in the fourth Report of the Common Law Commissioners; but there was one authority in which he was disposed to place great reliance, and which had not been generally adverted to—he meant the authority of Edmund Burke, a name illustrious in general philosophical jurisprudence as well as in politics, and which he would shortly refer to on the present occasion. In 1780, a Bill had been introduced into that House for the abolition of Imprisonment for Debt on Mesne Process; it received the support of Mr. Burke; and when he went to Bristol, he was reproached for having given it his support. Mr. Burke defended himself; and he begged leave to read to the House an extract from the reply which that great man made upon that occasion. It was not the fate of many husting speeches to live in the history of the country, but that from which he was about to quote, would be read and referred to with pleasure and profit as long as the English language remained. Mr. Burke said—'Lord Beauchamp's Bill was a law of justice and 'policy, as far as it went; I say, as far as 'it went, for its fault was, its being, in the 'remedial part, miserably defective. There 'are two capital faults in our law with 'relation to civil debts. One is, that every 'man is presumed solvent—a presumption, in innumerable cases, directly 'against truth. Therefore, the debtor is 'ordered, on a supposition of ability and 'fraud, to be coerced his liberty until he 'makes payment. By this means, in all 'cases of civil insolvency, without a 'pardon from his creditor, he is to be imprisoned for life; and thus a miserable 'mistaken invention of artificial science 'operates to change a civil into a criminal 'judgment, and to scourge misfortune or 'indiscretion with a punishment which 'the law does not inflict on the greatest 'crimes. The next fault is, that the 'inflicting of that punishment is not on 'the opinion of an equal and public 'judge; but is referred to the arbitrary 'discretion of a private, nay interested and 'irritated, individual. He, who formally 'is, and substantially ought to be, the 'judge, is in reality no more than ministerial, a mere executive instrument of a 'private man, who is at once judge and 'party. Every idea of judicial order is 'subverted by this procedure. If the 'insolvency be no crime, why is it punished 'with arbitrary imprisonment? If it be a 'crime, why is it delivered into private 'hands to pardon without discretion, or 'to punish without mercy and without 'measure? I know that credit must be 'preserved, but equity must be preserved 'too; and it is impossible that anything 'should be necessary to commerce which 'is inconsistent with justice.' Upon that authority, and on general reasoning, he submitted, that the time had now arrived when imprisonment for debt, both on mesne process and on execution, should, except in cases of fraud, be abolished. It was monstrous, that in a free country, a man might be deprived of his liberty without the judgment of any competent tribunal, at the instance and merely on the oath of a vindictive party; and that, too, it might be, on fraudulent pretences. The expense of giving bail was a great detriment to the debtor, as also to the creditor; because its effect was to take away from the funds with which the just debts of the individual ought to be satisfied. The only object of imprisonment for debt in this country was, to get at the property of the debtor; he should not, therefore, propose abolishing imprisonment, unless he could offer some equivalent to the creditor, and introduce a general amendment in the Law of Debtor and Creditor. There were several improvements to be now proposed which he thought would operate most beneficially, and to which he would very briefly refer. He proposed, first of all, that there should be a power of instant execution upon all bills of exchange, promissory notes, and bonds. When a man put his hand solemnly to instruments of that sort, it was monstrous to allow him, without any shadow of pretence, to have a trial to put in sham pleas; and thus, perhaps, to cause greater expense to the creditor than the original amount of the debt. There was nothing like this in Scotland, in France, or in any other country of Europe; and why should it be continued in England? Another equivalent proposed to be given to the creditor would be found to consist in the clauses of the Bill to compel the debtor to yield and surrender up his property to his creditors, to be fairly distributed amongst them, reserving to his own use any surplus that might remain after the sale or disposal of such property, whether houses, land, or goods. For want of such a provision in our laws, the debtor destitute of principle set his creditor at defiance —squandered away the little he had in gaol in riot or drunkenness; whilst the unprincipled rich man obtained the rules of the prison, indulged in every luxury, and experienced hardly any of the inconveniences of confinement. It was singular, that by the Act called the Lords' Act, a person detained in custody for debts amounting to 300*l*., might, at any time, be brought up on an allegation that he continued in prison with property sufficient to pay his debts, and have him subjected to examination in open Court, where, if he refused to give up his property, he did so at the risk of being sent to Botany Bay for his default; but, strange to say, if the amount of his debts exceeded that sum of 300*l.* he might defy the creditor, continue in the rules, live in a palace if he could find one there, and spend his money before his creditors' face, in every luxurious or extravagant excess. The Bill he now moved for, would contain a provision, that, in case the debtor refused to yield up to the receiver appointed under the Bill his property for the benefit of creditors, whatever it might be, he should be kept in close confinement within the actual walls of the prison, and be treated as a criminal. The operation of the Bill would be similar to that of the Bankrupt Acts, which permitted the debtor, although he owed 100,000*l.* to go at liberty, and be freed from all his present liabilities, upon a full surrender of his property. Another compensatory clause of the Bill would be, one making all manner of property, whether real or personal property, bonds, bills, or securities, liable as assets for payment of a man's debts, and subject to be taken in execution under this Bill. By our present law the creditor could not touch copyhold property, bills or notes in the possession of the debtor, or money in the Funds. The debtor might have 100,000*l.* in Consols, and resist the payment of the most trifling demands; that property was inviolable, and he could not be forced to surrender any part of it for the payment of his debts. The creditor now had, in such a case, the power of keeping the debtor in confinement; but would it not be far better to give him the right to compel the debtor to make over and assign his property for the use of his creditors? In this spirit, then, it was intended to make all the debtor's property, whether real or personal, liable to his debts, and, in default of his surrendering up both, he was to be compelled to do so by duress and close imprisonment. A part of the plan of improvement in our law was, to introduce the *cessio bonorum* conformably to the practice of other countries, without rendering it necessary that the debtor should pass the ordeal of confinement. It was found by experience, that the confinement of the debtor under any circumstances was prejudicial to the moral character of the man, whilst the practice was attended with expense to the creditor. He would ask what object was obtained by the mediation of a Sheriff's officer, the indignity of arrests, or the prolonged incarceration of the debtor? The incentives to industry, and the proper feeling of honourable independence too often were sacrificed to the creditor's security, without even effecting that object. To preserve these valuable attributes of the man where they existed, it was proposed, that when the debtor had made the surrender of his all, and it was so certified by a majority of his creditors, he should be released from all debts and liabilities, and be to all intents and purposes a new man. He felt that many very arbitrary distinctions had been introduced in our laws between the cases of insolvents and bankrupts which ought not to exist. To protect the creditor still further, there was, however, a clause in the Bill, providing, that if the contract had been made, or debt incurred under false pretences, or if the debtor did not fairly disclose his property, he should, upon conviction of such offence, be adjudged guilty of a misdemeanour, and be subject to punishment for the offence. He believed the change in our law would be most salutary, and anticipated, that the fraudulent would be hereafter punished, and the innocent and unfortunate protected from the vindictive creditor. It must naturally be expected that in substituting this state of the Law of Debtor and Creditor for the present, some expense must be entailed on the country. A Court consisting of competent Commissioners must be created, and provisional assignees must be appointed, to whom the property of debtors might be handed over in trust for the general body of creditors. But the expense of this system would be, he fondly expected, trivial, compared with the benefits procured. Already the constitution and maintenance of the Insolvent Debtor system cost 300,000*l.* a-year, a great portion of which ought to go into the fund for the payment of the insolvents' creditors. He felt very confident, that the many beneficial results which must flow from this alteration in the law, would, even to the creditor, more than compensate the injury he sustained, if injury it were, by using his power over the person of his debtor, by arresting him for the debt in the first instance, or finally taking his body in execution. He was encouraged to hope that, under these circumstances, the Motion he was about to make would not be met by any serious objection. The subject of imprisonment for debt was one on which men of great name and influence had, it was true, differed in opinion. It was one which required serious and ample investigation. That the attention would be paid to it by the House which so grave a subject of investigation demanded he had no doubt; but from their assenting to the first reading of the Bill he now proposed, guarded, as it would be found to be, by limitations and securities, amply sufficient to protect the creditor from the effect of fraud, concealment of property, or wilful delay, in making the assignment of the property for the benefit of creditors, he anticipated the most favourable results, not only as to the two classes more immediately concerned, but as to the moral influence which that improvement of our laws would produce on the state of society at large. The hon. and learned Gentleman concluded by making his Motion. Before he sat down, the hon. and learned Gentleman stated, in reply to questions, that to include Ireland within similar provisions, it would be the better way to bring in a separate Bill, which should have all the aid he could give it. The functions of the present Insolvent Debtors' Commissioners would be at an end, as soon as arrest for debt were abolished; yet, though such a result would follow, he had no doubt their services could be obtained to enable the Government to carry into effect the beneficial provisions of the Bill. It was in contemplation, that there should be a Court of Review, to which, in particular cases, an appeal should lie.

Mr. Alderman *Thompson* said, there was another point which appeared to have been omitted in the Bill. It was well known, that since the establishment of the Insolvent Debtors' Court, many millions of debts had been proved, and not more than a farthing in the pound had been recovered. Now, though, by the Bill of the Attorney General, execution would issue for the recovery of bills of exchange and bond debts, there was no facility afforded for the recovery of book debts. If some clause were not introduced to provide greater facility for the recovery of book debts, he was afraid the Bill would cause great injury to trade.

Leave was given, the Bill was brought in and read a first time.

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HOUSE OF LORDS,

Friday, June 13, 1834.

MINUTES.] Petitions presented. By the Earl of WINCHILSEA, and the Bishop of LONDON, from several Places,—against the Separation of Church and State.—By the Earl of WINCHILSEA, from three Places, for an Alteration in the Sale of Beer Act.—By the Bishops of LONDON and ST. ASAPH, from several Bodies of Clergymen,—against the Admission of Dissenters to the Universities.—By Lord SUFFIELD, from several Places,—for the Better Observance of the Sabbath.—By the Dukes of RICHMOND and SUTHERLAND, the LORD CHANCELLOR, and Lord SUFFIELD, from several Places,—in favour of the Chimney Sweepers' Regulation Bill.—By the Earl of HAREWOOD, Lords KENYON and ROLLE, and the Bishop of LONDON, from several Places,—for Protection to the Established Church. —By the Earl of HAREWOOD, and Lords KENYON and ROLLE, from several Places,—against the Claims of the Dissenters.

CHIMNEY-SWEEPERS.] The Duke of *Sutherland*, in moving the second reading of the Chimney-sweepers' Regulation Bill, observed, that it would be admitted, he believed, looking to every species of trade and avocation, that to which this Bill related, gave rise to more misery and wretchedness than almost any other. When formerly he had proposed a measure of this nature, there appeared to be no difference of opinion with respect to the propriety of removing the evil, which was on all hands allowed to exist. A general feeling prevailed that the system ought to be altered, that climbing-boys ought not to be employed, and that machinery should be substituted, if the change could be effected. Since that time, it had been proved that chimnies could be most effectually swept by machinery. At present the chimnies of not less than 150 public buildings were swept by machinery. In all those cases it was found that chimnies were better swept by machinery than by boys. The system had also been introduced, and was found to answer extremely well, in many private houses. It had been objected to the measure, that the use of machinery would lead to an increased rate of insurance. The contrary had been proved by evidence. It was stated before the Committee, that no notion was entertained on the part of the insurance-offices, of increasing the premium. Another objection to the Bill was, that it would throw many individuals out of employment. Such, however, was not the fact. By this Bill, no one would be thrown out of employment, but it would have the effect of fixing a limit to great oppression and cruelty. If the Bill were carried, a disgrace would be removed from this country. The noble Duke concluded by moving the second reading of the Bill.

Lord *Kenyon* had had this question under his consideration several years ago, when it was referred to a Committee; and though he went into that Committee with a strong impression on his mind in favour of some such measure as the present, yet he left it fully impressed with the feeling that the welfare and safety of the metropolis required the assistance of climbing-boys in the sweeping of chimnies. The evidence given before the Committee which had lately sat, did not make out a case for the Bill. If read a second time, he should wish the Bill to be referred to a Committee up-stairs.

The Duke of *Richmond* bore testimony to the advantageous use of machinery for the cleansing of chimnies in the public office over which he had presided. He would support the second reading of the Bill; it might then go to a Committee up stairs, and before that Committee the evidence of the master chimney-sweepers might be heard.

The Duke of *Hamilton* observed, that this Bill was calculated to alter the whole system of building in the city of London. According to it, individuals must erect their chimnies after a particular fashion. This he thought was carrying legislation a little further than was necessary.

Viscount *Melville* was in favour of sending the Bill to a Committee above stairs.

Lord *Suffield* saw no necessity for postponing the second reading of the Bill. He had always remarked, both with reference to that and to the other House, that when a case was fully made out for any measure, which its opponents could not overturn by fair reasoning and just argument, they immediately appointed a Committee, as the best way of getting rid of it. That appeared to be the course now proposed. The master chimney-sweepers opposed the Bill, because, as they said, it would virtually tend to the abolition of sweeping-boys altogether. The Bill would not operate to such an extent, at the same time it went to mitigate a great evil. The master chimney-sweepers had, in some instances, attempted to prevent the use of machinery, by declaring that it could not be advantageously used. He knew cases, however, where master chimney-sweepers, who refused on one day to use machinery, found it answer extremely well on the next, when they were informed, that if they did not cleanse the chimnies by means of those ingenious contrivances, the servants of the parties who had applied to them should perform the operation.

Earl *Grey* had no objection to the measure; but, in order that it might be duly considered, he wished it to be referred to a Committee. He had received a communication, signed by individuals connected with the Sun Fire-office, the Phœnix Fire-office, the Westminster Fire-office, the County Fire-office, the Globe Insurance-office, and the Royal Exchange Insurance-office, all deprecating the passing of this measure. They stated the impossibility of doing without the aid of climbing-boys, in cases where there were flues and other peculiarly-constructed outlets for smoke. Most of the other insurance companies, it was right to observe, were favourable to the Bill.

The Earl of *Haddington* said, he had not offered any opposition to the second reading of the Bill; he had merely proposed that the second reading should be postponed till Monday, in order to give a noble and learned Lord who was absent an opportunity for presenting the petition which had been intrusted to him. Neither had he called for a Committee. With reference to the principle of the Bill, he thought, that in point of humanity it was most desirable to lessen, as much as possible the evil complained of.

The Bill was read a second time, and was referred to a Select Committee.

* * *

HOUSE OF COMMONS,

Friday, June 13, 1834.

MINUTES.] Bills. Read a first time:—Sales of Tea.—Read a second time:—Court of Chancery (Ireland); County Bridges (Ireland); Greenwich Hospital Annuity.—Read a third time:—Escheats; Valuation of Counties (Ireland).

Petitions presented. By Mr. ROBINSON, from All Saints, Worcester, for Protection to the Established Church.—By Mr. SHAWE, from Debenham, against the Proposed Measure of Church Rates.—By Mr. ROBARTS, from Maidstone, against the Poor Law Amendment Bill.—By Sir HENRY PARNELL, from Dundee, for Amending the Tea Duties Act.—By Lord FORDWICH, from Canterbury, for the Removal of the Civil Disabilities of the Jews.—By Mr. ROEBUCK, from Journeymen and others of the Metropolis, for Repealing the Restrictive Laws with regard to the Sabbath; from Dumfries, for Relief to the Polish Exiles. —By Mr. HUME, from Balmerino, for the Repeal of the Taxes on Knowledge and Trade; from the Medical Practitioners of Ayr, for an Inquiry into the State of the Profession; from St. Mary, Islington, for Prohibiting the Employment of Children in Cleaning Chimneys; from the Debtors in the four Courts Dublin, for Extending the Bill for the Abolition of Imprisonment for Debt to Ireland; from the Tobacco Manufacturers of London, against the

Importation of the Dressed Weed; from Montrose, for Abolishing the Privileges vested in Corporate Bodies; from two Places, in favour of Triennial Parliaments; from the Linen Weavers of Brechin, for a fixed Rate of Wages; from Forfar, for the Repeal of the Corn Laws; from St. James's, Clerkenwell, for Placing the Control of the Police Force in the Vestry of each Parish; from Uxbridge, against Pluralities and Non-residence, and against the Bishops having Seats in the Upper House.—By Mr. Baines, from East Retford, for the Better Observance of the Lord's Day; and by Sir Ronald Ferguson, from Londonderry, for Extending the Legislative Measure to that effect to Ireland.—By Lord Henniker, Sir Robert Inglis, and Mr. Goulburn, from several Places, against the Separation of Church and State; by the same, from several Places, against the Claims of the Dissenters.—By Mr. Feargus O'Connor, from Kilcar, Dungannon, and Banagher, against Tithes, and from the first Place, for the Repeal of the Union.—By Mr. Emerson Tennent, from Belfast, for the Repeal of the Duty on Cotton; and from the Bakers of Belfast, for a fixed Standard of Weight.—By Mr. Goulburn, from Cambridge University, against the Admission of Dissenters.—By Sir Robert Inglis, and Messrs. Mostyn, K. Tynte, Bell, Dugdale, and Goulburn, from a Number of Places, against the University Admission Bill.—By Mr. Parrot, from several Places, against the Poor Law Amendment Bill.—By Mr. Shaw Mackenzie, from several Places, for Protection to the Church of Scotland; from the Parochial Schoolmasters of Lewis, for an increased Stipend.—By Mr. Tooke, from Breage, against the English Tithe Commutation Bill.—By Mr. R. Grant, from several Metropolitan Parishes, for Assessing all extra-parochial Places, towards the Maintenance of the Poor.—By Mr. Wilks, from Boston, for transferring all Church Property to the National Creditors towards the Liquidation of the National Debt.—By Messrs. Hawes, Wilks, and Baines, from several Dissenting Congregations,—for Relief to the Dissenters.—By General Sharpe, and Mr. Hawes, from two Dissenting Congregations, against the Proposed Measure of Church Rates.—By Lord Dudley Stuart, from two Places, for an Alteration in the present System of Church Patronage in Scotland.—By Lord Henniker, Sir John Tyrell, Sir Robert Inglis, and Messrs. E. Stanley, Dugdale, and Rooper, from a Number of Places,—for Protection to the Church of England.

GLEBE HOUSES (IRELAND).] Mr. *Emerson Tennent* held in his hand a Petition, to which he felt a more than ordinary anxiety to direct the attention of the House, as well from the intrinsic importance of its prayer, as from the fact of its deeply involving the interests of one class of the community, in whose behalf, whatever differences of opinion might exist with regard to other points connected with the Church of Ireland, he (Mr. Emerson Tennent) believed there existed but one feeling of respect, and, he regretted to add, of commiseration; he referred to the working clergy of the Established Church in that country. Their present appeal was one directed, not to the feelings of the House as sectarians or partisans, but to their sense of justice as Legislators, and to their feelings of humanity as men; and he trusted although he was not prepared to bring forward any specific motion on the subject of the petition, this notice of its prayer would not be without practical and beneficial effects to the petitioners. It would be in the recollection of the House, that by an Act of 1803 (the 43rd of Geo. 3rd, c. 106), the Commissioners of First Fruits in Ireland, were empowered to advance certain sums of money without interest, to the clergy of the Established Church, for the erection and repairs of glebe-houses in their several parishes. The amount of these sums was to be calculated in proportion to the value of the respective livings, and never exceeded he believed one and a half or two years net income of the several incumbents, which was to be refunded by sixteen instalments of six per cent each, and one of four per cent, payable to the Treasury by the various recipients. This Act was amended by a subsequent one in 1823 (the 4th George 4th, c. 86), by which it was enacted, that all balances then owing, and all loans to be thereafter made, were to be repaid by twenty-five annual instalments of four per cent each, recoverable by summary process by the Commissioners of First Fruits; and thus the law at present stood, exclusive grants having under its provisions been made to numbers of the Irish clergy proportionally, as he before stated, to the annual value of their living. It was needless to remind the House, that since that period, immense reductions had by various events been made in the incomes of the Irish clergy, as well by the peculiar circumstances of the country as by the legislative measures for their relief, and particularly by the regulation of tithes and the heavy per centage payable on the advances made to the clergy under the Million Act (3rd and 4th William 4th, c. 100.) In numerous instances, these reductions had amounted to thirty per cent. He knew of one case in his own immediate neighbourhood where the reduction was thirty-four per cent, and he had reason to believe, that they had mounted so high as even fifty-six per cent on the net income of the incumbent. The House were likewise well aware that, even under these circumstances of decline in the amount, the clergy in several districts of Ireland, had found it impossible for some time past, more especially in the years 1832 and 1833, to collect even the residue of the nominal incomes, and that in numerous instances they had been reduced, with their families, to a state of houseless and literal destitution. During this period, the instalments of these loans from the Board of First Fruits had remained, and still remained, for the most part unpaid, and payment of these was now promptly demanded by the Board of Ecclesiastical Commissioners. Should this demand be enforced, attended as such a process must be by the costs of law proceedings, the results must be, to many of the clergy, of the most ruinous and disastrous kind. The petition which he had then to present, after briefly setting forth these circumstances, sought from the House what he conceived to be a most moderate and reasonable species of relief. With regard to the arrears accumulated during the last two years, the petitioners asked not for their remission, though even this he could scarcely, under such trying circumstances, consider an unreasonable request; but simply, that the payment, instead of being summarily insisted upon now, should be postponed to the end of the term, at which it was originally calculated that the whole sum should have been refunded, and that these two last years should be regarded altogether as *anni non;* in other words, that the term for the repayment of the sums advanced should be extended from twenty-five to twenty-seven years. As a mere matter of computation, the loss of interest on the debt which would thus be incurred, would be but trifling in comparison to the benefits which would result from the measure. The total amount of instalments due on the 1st of July, 1832, amounted to 7,564*l.* 14*s.* 4*d.* Of this a small proportion had been paid; as much, at least, as would be an equivalent for any increase to the original debt, by sums which had since been lent. So that he might fairly say, taking the amount due in 1833 to be the same as in 1832, that the entire arrears did not exceed 15,000*l.*, which the Irish clergy asked an extension of time to enable them to refund. Under all the pressure of existing circumstances, and the admitted sufferings of the parties, he hoped that such a request would not be without its due weight in the quarter by which relief could be afforded. But the petition contained likewise another prayer, which on every principle of justice and of equity he considered to be entitled to consideration. By the intention as well as by the operation of the Acts of 1803 and 1823, the advances to be made by the Board of First Fruits were to be calculated in proportion to the existing annual value of the livings for the benefit of which they were designed; that was to say, that the sums thus expended were to be in proportion to the means and ability of the clergy for their repayment. Those means had now been diminished, chiefly by the operation of the law itself; and the petitioners now asked, as they were entitled to ask, that the instalments for which they were responsible should be reduced in a like proportion. The House would at once perceive, that this was a very different demand from that of any private individual who might wish to deviate from a previous contract for his own private advantage; for in this case the incumbent, who was in the position of a debtor to the Commissioners, was in reality contributing from his private income for the erection of houses which were hereafter to be the property of his successors in the Church, and in such a point it was the duty of the Government to lighten, as far as was just and equitable, the burthen of his contribution. The Petition contained likewise some suggestions for the regulation of some minor points connected with the subject; but, as he had alluded to its more important suggestions, he would not further trouble the House. He had felt it his duty to say thus much on behalf of a class of men whose merits, though much and deservedly extolled, were still, he believed, but imperfectly known—the really working clergy of the Irish Church. The reform which he would wish to see introduced into our Church Establishments would tend to give a permanent relief and an honourable independence to the men on whose exertions the maintenance of the Church and the extension of its doctrines really depended. And if, instead of proceeding to violate what he considered to be a legal and an equitable right—the right of the Church to its endowments and its property—if, instead of proceeding to violate this, and to secularize that which was designed by its donors for ecclesiastical purposes alone, the Legislature, as guardians of the trust, would make such a fresh appropriation of the property of the Church as would take from the pampered prelates and overpaid dignitaries of the Establishment, to bestow the surplus on the struggling clergy and the indigent curates, they would be effecting such a reform as the Church really required and the country had a right to demand. Nor did he believe, if that were effected,—if a fair and substantial independence were conferred upon every member of the Establishment,—that the funds of the Church would be found too ample for the purpose, or that any "surplus" would remain to excite the envy or give rise to the contentions of other sects. The Petition, in addition to other clergy, was signed by the Rectors, Prebends, and Vicars, and the Archdeacons, Deans, and other dignitaries of the dioceses of Down, Armagh, and Dromore.

Petition to lie on the Table.

BUSINESS OF THE HOUSE.] Lord *Althorp*, before he moved the Order of the Day for the Committee on the Poor-laws' Amendment Bill, begged to call the attention of hon. Members to a proposition he desired to make connected with the business of the House. Though it had been settled that the mornings of Tuesday and Thursday should be set apart for the Committee on the Poor-laws' Amendment Bill, it did not appear to him that any very great progress had been made in the Bill during the morning sittings. It had also been determined that, during the present Session, Orders of the Day should on Wednesday take precedence in the order in which they stood on the paper; and as yet no request had been made to any hon. Member to postpone the consideration of any order fixed for Wednesdays, for the purpose of allowing the Government business to be brought on. Under these circumstances, he was induced to propose, that Government orders should in future have precedence on Wednesdays, as they had on Mondays and Fridays, with the understanding, that henceforth Government would not ask for precedence on the mornings of Tuesday and Thursday.

Sir *Robert Peel* had no objection to allowing the Government to take precedence on Wednesday; but he wished to impress upon the noble Lord the absolute necessity of fixing some immediate day for the discussion of those measures which were of the most pressing public importance. The right hon. Gentleman opposite, on the 20th of February last, called the attention of the House to that part of his Majesty's Speech which referred to tithes in Ireland; and, though it was now the 13th of June, being a lapse of no less than four months, nothing definite had been done, notwithstanding the great public anxiety which existed on that subject. He therefore did hope that, whatever arrangement might be made with respect to the Poor-laws' Amendment Bill, the noble Lord would fix some early day in the course of next week on which the discussion on that question should come on. Another very important measure, relating to the admission of Dissenters into the Universities, stood on the paper for Monday next, and the general impression was, that the discussion on that Bill would then come on.

Colonel *Davies* said, that the discussion of the principle of any measure must necessarily, by consuming the time of the House, interrupt the proceedings of the Committee on the Poor-laws' Amendment Bill. He, therefore, thought it desirable to finish the Committee on that Bill before any new business was taken up.

Sir *Edward Knatchbull* said, that if it was the general understanding that Government Orders should take precedence on Wednesdays, no other measures but those introduced by Government would have any chance of being discussed.

Mr. *George Wood* said, he should be prepared to bring forward the Bill for the admission of Dissenters into the Universities in the morning sitting of Tuesday next.

Mr. *Goulburn* objected to bringing forward so important a Bill as that mentioned by the hon. Member in a morning sitting. It was not to be expected that public business could commence before one o'clock, and at three o'clock the sitting must necessarily terminate.

Sir *James Scarlett* said, that if those who had the control of that House wished to exclude professional men, they would proceed with public business in the morning. He did not think the plan of doing business in the morning any improvement on the old practice.

Mr. *O'Connell* thought the House was already sufficiently pestered with lawyers, not to postpone the public convenience for their accommodation. It was extraordinary, that any set of gentlemen, however respectable they might be, should think that the House ought to prefer their particular interests to the public business. They ought to recollect, that many hon. Gentlemen in that House were obliged to come from the remote parts of Ireland and Scotland to attend their duties there. In his opinion, the House would never properly perform the business of legislation until it sat by day instead of by night.

Sir *James Scarlett* was sure, that if the hon. and learned Gentleman's proposition of sitting in the morning were agreed to, the House would not be less pestered than at present with lawyers; but then they would be exclusively Irish lawyers.

Mr. *Robinson* admitted, that the noble Lord was entitled to every indulgence for carrying on the business of the Government; but he thought that some means should be adopted to prevent so large a mass of business from being thrown into the arena for discussion on every evening. It was a common thing to see twenty Orders of the Day and as many notices of motion fixed for one evening, and for a succession of evenings, though it was well known that a twentieth part of them could not be gone through. It was shameful to have the business of any deliberative assembly carried on in that manner. Much of the inconvenience would be obviated, if Ministers would bring on the public business at an earlier period of the Session.

Lord *Althorp* did not see that Ministers were to blame. The estimates were brought forward at an early period, and occupied the House nearly the whole of the time, or at least a considerable portion of it, until Easter; and the other business of the Government was brought forward as soon as possible after.

Lord *Morpeth* thought, that these complaints were rather hard on the Government, one party complaining that the Government did nothing, and another section objecting that it did too much. No arrangement to save the time of the House and advance the despatch of business would be of any avail, unless hon. Gentlemen agreed to a curtailment of their frequent addresses to the House.

POOR-LAWS' AMENDMENT COMMITTEE.] The Order of the Day for the House to resolve itself into Committee on the Poor-laws' Amendment Bill was read.

On the Motion that the Speaker leave the Chair.

Mr. *Cobbett* objected to the principle of passing a Bill founded on voluminous reports of Commissioners, the one-twentieth part of which not one Member in 100 had read. Was this the way in which the business was to be done in a Reformed Parliament? He thought, that instead of being called upon to pass this bill in a hurry, and without reading the evidence on which it rested, they ought to have at least 365 days to read that evidence; at all events, they ought to have before them an account of the expenses of these Commissioners; he would therefore move as an Amendment to the Motion for the Speaker's leaving the Chair, that there be laid before the House an account of all salaries, allowances, printing expenses, expenses of messengers, and expenses of every description occasioned by the Poor-law Commission; also a statement whether any of the Commissioners hold other Commissions, or fill any offices for which they receive pay out of the public purse, specifying what Commission or what office, and also specifying the sum or sums so received, and stating further, whether the secretary to the Commissioners holds any other public post of emolument, and what post, and the amount of such emoluments. Would the noble Lord object to this Motion? [Lord *Althorp*: No!] Then he should say nothing further.

Motion agreed to.

The House went into the Committee.

The Question was a proviso proposed (by the Government) to be added to the 46th Clause: to the effect, "that in case at any time or times after the said 1st day of June, 1835, the overseers or guardians of any parish or union shall deem it advisable that relief should be given to any able-bodied person, wholly or partially in the employment of any person or persons, it shall be lawful for such overseers or guardians to make a statement and to report to the said Commissioners the special circumstances which in their judgment render such relief expedient.

Mr. *Hardy* had proposed an Amendment on Thursday, to enable overseers or guardians to grant relief in cases of emergency, without making beforehand a statement of the circumstances to the Commissioners. It would be unjust and cruel to deprive the poor of such a resource in case of emergency, and he therefore should press his Amendment.

Lord *Althorp* said, that if such a power were given to the overseers without application to the general Board, it would defeat the whole object of the Bill. He had before admitted, that in cases of individual emergency there should be a power to grant relief by the overseer, but he considered that was already sufficiently provided for by the 45th Clause.

Sir *George Phillips* was glad that the noble Lord dissented from the Amendment. Such an Amendment would bring the vicious administration of the agricultural districts into the towns. The Bill would be inoperative if the necessary control which this and other Clauses gave to the Central Board were withdrawn.

Mr. *Pease* thought the Amendment was called for. It was a mistake to suppose that there was no making up of wages by the poor-rates in manufacturing districts.

Mr. Hardy withdrew the Amendment.

On the Question that the proviso be added to the Clause,

Mr. *Cobbett* remarked, that this Clause would place the labouring classes in a worse condition than they were at present. He trusted, that he should never see the system that was so much lauded, and so often referred to in the north of England, introduced into the south. With regard to the Clause itself, he would just say this—that they had now under their control three countries; one of them had meat and bread and knives and forks, the other had oatmeal and brose and horn spoons, and the third had only potatoes and paws. In the first country he had mentioned, a system of Poor-laws had been in existence for 240 years—in the second they had an inefficient system of Poor-laws—and in the third there were no Poor-laws at all, and the object of this Bill was, to reduce the first country to the condition of the last.

The Clause (46th) as amended, was agreed to.

On Clause 48, which provides, that in future no relief should be given except by the guardians of the poor or select vestry, and as amended taking away the power of Justices of the Peace to order, or overseers to afford relief, except in cases of urgent necessity, being put by the Chairman,

Lord *Althorp* admitted, that the effect of this clause would take away the power of Magistrates to order relief out of the workhouse in places where workhouses existed, or in united parishes in which there were guardians of the poor. But, on the other hand, where there were no workhouses and no select vestries, the power was reserved to the Magistrates to order relief precisely as they now possessed that power.

Mr. *Poulett Scrope* contended, that the security of the pauper population for relief depended upon the reservation of the power to Justices of the Peace to order it. In this opinion he was supported by the provisions of every enactment relating to the relief of the poor which had passed during the last 300 years, commencing in the year 1536, and such powers were embodied in the statutes, 27th Henry 8th; 5th, 14th, and 23rd Elizabeth; 3rd and 4th William and Mary, and in every Statute down to the Act of 1796. He must, therefore, ask the House to pause before it consented to do away with the astringent and compulsory powers to order relief, and in their stead erect merely a voluntary and discretionary power in other individuals. He was borne out in this feeling by the answers which had been given to the queries generally circulated by the Poor-law Commissioners themselves. He must advert to one of the queries, which was in these terms—"What do you think would be the immediate and ultimate effect of making the decisions of the Select Vestry or the guardians of the poor final on questions of relief?" He begged the House to bear in mind the answer to that query, from at least two-thirds of those to whom it had been put, and who included not only Magistrates, but vestrymen, guardians of the poor, clergymen, and overseers. The replies had been—"Great injustice to the poor; the effect would be starvation, and the result of this change would be cruel tyranny and oppressive injustice upon the pauper population of this country." He was still further assisted in his opposition to this change by the opinions of no less than two of the sub-commissioners, Mr. M'Clean and Captain Chapman. The House ought not to forget, that, by the adoption of the last clause, theyhad already gone very far in trenching upon the vested rights of relief—rights which had accumulated during the last forty years, for it should be remembered, that the Statute of 1796 declared, that under all circumstances, the pauper was entitled to relief at his own home. He, on the whole, contended, that the power of a bench of justices, comprising three, four, or five, should still have the power reserved to them under preceding Statutes. He should, therefore, move an Amendment to the effect "of reserving a power to two

Justices at petty sessions, after complaint upon the oath of the pauper, and after the summons and hearing of the overseer, to order relief."

Lord *Althorp* conceived, that the Amendment deserved consideration. It had certainly occurred to the Government, on framing this Bill, that in order to bring the Poor-laws into that state in which they ought to be, it would be right to take away the power now contended for, under the supposition, that in practice it had led to many evils that had been complained of. He denied, that the clause took away the positive right of the pauper to relief, for which the hon. Member had contended, and still further he denied that such positive right existed under the present laws, for, on the contrary, the ordering relief was discretionary in the breast of any individual Magistrate. As to what had been said with respect to the severity likely to prevail on the vestries and the guardians of the poor, he must observe, that he did not think it at all probable they would prove as hard-hearted as was imputed to them. He considered, too, that the discretion given to these bodies would be at the least as well executed as that previously granted to Magistrates. At the same time, considering that the opinion of the House was in favour of the Bill as it stood, he should rather abide by its decision, than urge strongly his own views.

Sir *Thomas Freemantle* thought it dangerous to oust the old Magistrates from their jurisdiction, and to transfer their powers to bodies which might, like the Select Vestries, work well at first, but afterwards conduct the business ill and negligently.

Mr. *Slaney* thought it would be advisable to leave some mitigated power to the Magistrates.

Sir *John Wrottesley* was opposed to the Amendment, and ready to rely on private charity for meeting all cases of emergency.

Mr. *Cobbett* said, the clause would deprive the Magistrates throughout the country of all their authority, and convert them into mere beggar-whippers, objects of contempt among those over whom they had hitherto exercised a very wholesome authority.

Sir *Edward Knatchbull* expressed his determination to support the Amendment, not with the view of maintaining the station and authority of the Magistrates, whom the hon. member for Oldham on the present occasion, no doubt most sincerely, applauded; but in order to preserve and cherish that community of feeling between the Magistrates and the lower classes of society which was so essential to the satisfactory administration of the Poor-laws.

Lord *Althorp* had not heard anything to convince him of the propriety of the Amendment which had been proposed. He did not think the evils which some hon. Gentlemen seemed to deprecate, were likely to occur. The Board of Guardians was so constituted, that it would, in his opinion, lead to a most satisfactory and well-regulated provision for the deserving industrious poor; and as to the interference of the Magistrates, although in some cases it might have been advantageous, it was in no way generally essential, or even advisable in the administration of the Poor-laws.

Mr. *Cobbett* maintained, that the clause would create a parcel of paid overseers, who would be the curse of the country. Paid overseers had produced all the riots and burnings in Hampshire [" *No, no.*"] and so great was the aversion they had excited, that twenty of them had been carted by the people out of their parishes. [" *No, no.*"] What hon. Member was there who dared to contradict him? [*laughter.*]

Mr. *Halcomb* begged distinctly to contradict the hon. Member. He had himself been present at the trials in Hampshire, and the hon. Member was quite wrong in his assertions.

Mr. *Goring* also denied the correctness of the hon. Member's allegations. If that hon. Member would look to his own writings he would find the true cause of the burnings and riots to which he had referred. Had that hon. Member forgotten the case of Goodman, and the confession made by that unfortunate individual previous to his ascending the scaffold, that the writings and speeches of the hon. member for Oldham had induced him to commit those crimes of incendiarism for which he was about to suffer?

Mr. *Cobbett* denied having ever uttered the sentiments which the paper, purporting to be the confession of Goodman ascribed to him; and stated that 103 respectable individuals from Battle were ready to confirm his declaration. In fact, it had been proved at the trial that

Goodman had set fire to several stacks from private malice, and had been stimulated by the parson and others to make the fabricated confession with the view of furnishing the merciful and gracious Whig Government with some pretext for bringing him (Mr. Cobbett) to trial. The whole was a base conspiracy; and even now he was ready to prove, that several individuals in Battle had actually received public money for carrying it on. The charge was as false as the hon. Member's assertions would be if he did not believe them to be true. The life of the individual, too, had actually been spared, because he had put his hand to the fabricated confession; while another unfortunate man had been taken from the same gaol, and, although not half so guilty, had suffered the extreme penalty of the law.

Mr. *Goring* had seen the original confession, and to show that there had been no fabrication in the document, the first name appended to it as a witness was that of the sheriff of the place.

The Committee divided on the Amendment: Ayes 25; Noes 127—Majority 102.

The Clause agreed to.

List of the AYES.

Astley, Sir J.
Attwood, T.
Baines, E.
Bennett, J.
Blackstone, W. S.
Butler, Colonel
Cobbett, W.
Durham, Sir P.
Finn, W. F.
Fremantle, Sir T.
Godson, R.
Hanmer, Sir J.
Hodges, T. L.
Jacob, E.
Knatchbull, Sir E.
O'Connell, M.
Scholefield, J.
Slaney, R. A.
Thicknesse, R.
Tower, C. T.
Tyrrell, Sir J.
Vyvyan, Sir R.
Williams, Colonel
Willoughby, Sir H.
Wood, Colonel

TELLER.

Scrope, P.

The Clauses to the 59th inclusive were agreed to, except the 55th and 57th which were postponed.

The House resumed. The Committee to sit again.

LONDON PORT DUES ACTS.] The House resolved itself into a Committee on the London Port Dues Acts.

Mr. *Poulett Thomson* said, that his object was, to introduce a Bill, founded upon the Resolution of the Committee for the reduction of these dues, whereby the city of London would be benefited to the extent of 40,000*l.* a-year. He would not detain the House with the details, but would enter fully into them when the Bill was before it.

The Resolution agreed to, and the House resumed.

CAPITAL PUNISHMENT BILL.] On the Order of the Day being read for the third reading of this Bill,

The *Attorney General* objected to the burglary Clause, which he considered would leave the law in a state of greater absurdity than at present. It was intended that no man should be punished with death unless he entered a house with his whole body, it being now sufficient, in order to constitute a burglary, that a pane of glass be broken. But the getters-up of burglaries, and the most guilty persons, aiding in the crime, if they abstained from entering the house, would escape capital punishment. It was well known, that the practice was, for those who planned the offence to induce boys to get inside, and thus the guilty would, if this clause were continued, escape the severer punishment. With every disposition to abate the severity of our law, he could not consent to this clause.

Mr. *Bernal* admitted, that there were and must be, unavoidable anomalies in dealing with the law upon this subject; but he trusted, that the hon. and learned Gentleman would not press his objection to this clause.

Mr. *Ewart* said, that, though the Bill might be open to some objections, yet upon the whole he thought there could be no doubt that the proposed alteration was preferable to the existing law.

The Bill was read a third time.

The Attorney General moved the omission of the Clause to which he objected, which was assented to, and the Bill passed.

HOUSE OF LORDS,

Monday, June 16, 1834.

MINUTES.] Bills. The Royal Assent was given by Commission to the House Duty Repeal; Equitable Apportionments; and forty-seven private Bills.—Bills brought in:—Valuation of Counties; Capital Punishments.—Read a third time:—Ministers of Churches (Scotland).

Petitions presented. By the Earl of ELDON, Lords CAWDOR, ROLLE, and another NOBLE LORD, from a Number of Places, for Protection to the Established Church, and against the Claims of the Dissenters.—By Lord CAWDOR, and another NOBLE LORD, from several Places,—against the Admission of the Dissenters to the Universities.—By the Duke of SUTHERLAND, from the Staffordshire Coal

Mine Proprietors, for Exempting such Property from Poor Rates.—By Viscount LORTON, from the Clergy of Ireland, for Relief.—By the Earl of ROSEBERY, from Gargannock, for Protection to the Church of Scotland.—By the Marquess of LANSDOWN, from Calcutta, for the Extension of Trial by Jury to Civil Cases; from British and Native Indians of Calcutta, to enable them to hold and transmit to their Heirs Real Property.—By a NOBLE LORD, from several Places, against the Separation of Church and State.—By the Earl of HADDINGTON, from Kincardine, for a Clause in the Ministers of Churches' Bill.

MINISTERS OF CHURCHES (SCOTLAND.] On the Motion of the Earl of Rosebery, the Ministers of Churches (Scotland) Bill was read a third time.

On the Motion, that the Bill do pass,

The Earl of *Haddington* proposed an additional clause, the first part of which provided, that in any parish in which the patron had built or endowed a chapel at his own expense, the law should remain as it stood, with reference to the appointment of a minister; and the second part provided, that where a patron and heritors united in building and endowing a chapel, there the law should stand as it did, unless heritors who had contributed to the amount of a fourth part of the money expended should object, in which case the appointment of the minister should fall under the operation of the new measure.

The Earl of *Rosebery* had no objection to the first part of the noble Earl's proposition; but maintained, that the adoption of the second part would produce very injurious effects to the general working of the Bill. The distinction it would create would be a great evil, and would excite dissatisfaction, by separating the higher and the lower classes. He therefore could not agree to the second part of the clause.

The Earl of *Haddington* had no wish to sow dissension, as his noble friend said would be the effect of his clause; what he wished was, to prevent the unnecessary interference of Church Courts which, though necessary in large towns where the contributors were numerous, would be injurious in country places where the chapels were built by a few score persons.

The first part of the clause was agreed to. On the second part their Lordships divided—Contents 33; Not Contents 43. Majority 10.

The Bill was passed.

LONDON AND WESTMINSTER BANK.] The Order of the Day for the second reading of the London and Westminster Bank was read. Counsel were heard on the Bill.

The *Lord Chancellor* then said, partly from the great number of persons, and from the extent of the interests involved in this concern or scheme—he did not wish to use an offensive term—partly (though there was not the least ground for an imputation of impropriety in this case) on account of the use that might be made of it, if the decision come to was not perfectly satisfactory to the mind of his Majesty's subjects, for this would probably not be the only application that would be made—knowing, too, that the opinions in Westminster Hall were not unanimous on the matter, inasmuch as several very eminent lawyers and other individuals, on whose opinions the public placed much reliance (and they certainly were entitled to great respect) disagreed as to the legality of this Bill; and partly, also, because he thought it would be better for the Bank of England itself, as well as more to be desired, with reference to the Legislature;—on these accounts, in his opinion, this question ought to be properly discussed, and once for all decided. With these views, he was about to suggest to their Lordships a course of proceeding which would give them little or no trouble, and, in his judgment, would lead to a satisfactory result. He proposed, that the Lord Chief Justice of the Court of King's Bench, who, in his absence, acted for him as Deputy Speaker of their Lordships' House, should be allowed to sit any morning that might be convenient to the learned Judges, and with them decide the question he would submit to them. He proposed merely to bring under their view the former Acts of Parliament, and the provisions of the present Act. Having looked at which, he would ask them whether it would be an infraction of the rights of the Bank of England, secured to them by the existing statutes, to pass the present Bill? If their answer was in the affirmative, that would put an end to all doubt on the subject. But he was not equally certain, if they were of opinion that it would be no infraction, regard being had to the understanding of the parties at the time the contract was made with the Bank; if they were of opinion that, legally and technically speaking, there would be no infraction, he was not, he repeated, equally certain that the parties interested in the London and Westminster Bank would thereby acquire a right to demand a decision, which the passing of the Bill would certainly be in their favour. If their Lordships were sitting only judicially, the case would be very different; but if the parties had the law with them, it did not follow that their Lordships, as a legislative assembly, would decide in favour of the expediency of the measure. He had a strong opinion as to what was likely to be the result of the opinions of the Judges. He thought that, on the whole, this would be the most satisfactory mode. It would give their Lordships no trouble. One counsel could state what were the Acts, and then the Judges could deliver their opinions on the Act.

The Duke of *Wellington* attached great importance to the statement of the noble Lord, that if the opinion of the Judges was, that legally there would be no infraction, that would not decide the question. He came down to the House to support his Majesty's Government in the bargain it had made with the Bank. An officer of the Government having stated, in another place, that it had made that bargain with the Bank, in his opinion it ought to be confirmed. He did not like any part of this transaction. He did not like, that the Bank of England should be placed in the hands of Government or Parliament, in order to have it determined whether its rights should be granted or not. He believed, the noble and learned Lord stated quite truly when he said, that, if the application now made to them were approved, it would not be the only application of the kind they would have. The difficulty they were now in was one of the consequences of the declaratory clause introduced in the Bill of last Session, and foreseen and foretold when that Bill was under discussion. He was sorry to see the Bank of England exposed to this description of discussion; because, on some future occasion, their Lordships might be influenced by it. He agreed, that the only way was, to refer the question to the Judges; but, after their opinion was given, if it was unfavourable to the Bank of England, he should be ready to come down to support his Majesty's Government in carrying into effect that bargain, to the full execution of which the Government was pledged.

The *Lord Chancellor*, in order that there might be no doubt on the subject, would express his full concurrence in the view taken by the noble Duke as to what ought to be their course, if it should be found that the law was not with the Bank of England. If, from any communication, or any correspondence between the Bank of England and the Government, it should appear to him that, to concede to the present applicants the legal right would be to involve a breach of confidence on the part of the Government, he would not call on them to act on the strict right, but would put the question to them on the higher ground of legislative expediency, and ask them to give that view of it the preference.

The Marquess of *Bute* said, that the parties interested in the London and Westminster bank were anxious and ready to have the question decided. He had no private interest in this matter, but, if he had, he trusted, that none of their Lordships, nor, indeed, any individual in the country, would believe he would, on that account, endeavour to influence their Lordships in favour of the Bill. Unless, however, the Government should be able to show a specific contract with the Bank of England, or such a contract as would render it dishonest to pass the Bill, he hoped, that those who were interested would not be debarred from a common-law right.

The Earl of *Eldon* said, he did not believe, that there was a more honest man in the kingdom than the noble Lord who had just sat down, but he, nevertheless, must dissent from the noble Lord's opinion on the present question. It would be impossible for him to give his consent to this measure, if it should turn out that there existed an understanding between the Bank and the Government that no such company as the one proposed should be established.

Earl *Grey* was quite sure, that the noble Marquess was quite incapable of being influenced by any private interest he might have in the present question. For his own part, he had a strong opinion, that to grant the privileges sought by the London and Westminster Bank would be inconsistent with those exclusive privileges which the Bank of England by law possessed. Though he could not say, that any specific contract, such as that alluded to by the noble Marquess had been made, yet, no doubt, there was an understanding between Government and the Bank of

England, that those privileges which it had before possessed, should be preserved to it. In the first instance, he thought, it would be better to have the opinion of the Judges; nor could he conceive there could be any doubt of the Judges giving their opinion. The question was, whether the granting of certain privileges to this Joint Stock Company would be inconsistent with those privileges which were enjoyed under the existing laws by the Bank of England. He believed, that similar questions had been put to the Judges before; and he did not know any instance in which they had declined answering. If their Lordships would, in the first place, then, depend on the construction of the law, and next, on that general consideration of good faith arising out of the contract between the Government and the Bank, he had no difficulty in saying, that, in introducing the declaratory clause they had no idea whatever that any privileges, secured to the Bank under the existing laws, would be in any degree affected.

Further consideration of the question adjourned.

HOUSE OF COMMONS,

Monday, June 16, 1834.

Minutes.] New Writs ordered. On the Motion of Mr. Charles Wood, for Chatham, in the room of W. L. Maberley, Esq., Commissioner of Customs; for Elgin Burghs, in the room of A. L. Hay, Esq., Clerk of the Ordnance.

Bill. Read a third time:—County Coroners.

Petitions presented. By Mr. Ewart, from Liverpool; and by Mr. Wilks, from a Congregation in Southwark,—against the Proposed Measure of Church Rates.—By Mr. Stanley, from St. Mary, Newington, for Protection to the Established Church.—By Sir James Scarlett, from Epsom, against the Universities' Admission Bill.—By Mr. J. Maxwell, from Rosemarkie, in Support of the Church of Scotland.—By Sir William Horne, from the Debtors Confined in the Gaols of London and Middlesex, for the Abolition of Imprisonment for Debt.—By Mr. Duncombe, Lord Ossulston, and others, from several Places,—against the Claims of the Dissenters.—By Mr. Fazakerley, from Stoodley, against the Separation of Church and State.—By the Lord Advocate, from the General Assembly of Scotland, for Endowing Schools in all Highland Districts.—By Mr. Frederick Shaw, from the Clergy of Ireland, against Incumbents paying further Instalments on Loans for Glebe-Houses.—By Colonel Arbuthnot, Mr. Robert Palmer, and Mr. Wood, from four Places,—against the Poor Law Amendment Bill.—By Sir Robert Ferguson, from Londonderry, for an Inquiry into the Constitution of the Irish Society.—By Sir Richard Nagle, from Multifarnham, for applying Tithes and Church Property towards the Support of the Church; from Kilbiggan, for the Abolition of Tithes.—By Colonel L. Hay, from Arbroath, for the Repeal of the Reciprocity of Duties Act.—By Colonel Seale, from Torbay and Brixham, against the Importation of Foreign Fish in Foreign Vessels into the London Markets.—By Major Beauclerk, from the Thames Tunnel Company, for a Loan of Exchequer Bills to enable them to complete the Tunnel.—By Mr. Lee Lee, from Ilminster, against the General Register Bill.—By the Lord Advocate, from the Presbytery of Edinburgh, for an increased Duty on Spirits; from the Schoolmasters of Aberdeen, and other Places; and by Colonel L. Hay, from those of several Places, for an Increased Stipend.—By Mr. Andrew Johnston, from St. Andrew's, against the exclusive Privileges of Corporations.—By the same, and Captain Wemyss, from several Places, for a Better System of Church Patronage in Scotland.—By Mr. Andrew Johnstone, from Cupar, for the Repeal of the Corn Laws.—By Mr. Callandar, from Fordsay, for the Support of the Church of Scotland.—By Mr. J. H. Vivian, from Swansea; and Mr. Lee Lee, from Wells,—for Relief to the Dissenters.—By Sir George Strickland, from the Society of Friends, collectively, for the Abolition of Tithes, Church Rates, and all other Ecclesiastical Imposts.—By Mr. Frederick Shaw, Mr. Callander, Colonel Leith Hay, and Mr. Lee Lee, from four Places, for the Better Observance of the Sabbath.—By Mr. Andrew Johnston, from a Scottish Congregation in London, in favour of the Lord's Day Observance Bill.—By Sir Edward Knatchbull, from Peckham, against Beer-houses; and from two Places, against the Sale of Beer Act.—By Mr. Hall Dare, from St. Alban's, against the Admission of Freemen Bill.—By Messrs. Robert Palmer, Fazakerley, Ross, Hall Dare, Duncombe, and Sir Edward Knatchbull, from several Places,—for Protection to the Established Church.—By Sir Robert Bateson, from Drumachose, against the Mal-appropriation of the Money levied under the Cholera Prevention Act; from Newtownlimavady, and by Mr. A. Sanford, from three Places, against Drunkenness.—By Mr. Fitzsimon, from Balbriggan, for Inquiry and Relief to the Irish Fisheries; from two Places, against the Road (Ireland) Act Amendment Bill.—By Mr. Halford, and Mr. Hughes Hughes, from several Places, against the Universities Admission Bill.

Burning of a Bible.] Mr. *Shaw* said, that he must beg the particular attention of the House to a petition which he had to present; it was of a very uncommon nature, and one which it was extremely painful to him to bring forward. It related to an act committed by a Roman Catholic clergyman, which had caused a great sensation, and given very just offence in the neighbourhood in which it occurred: it was the ostentatious burning of a Bible at Shinrone, in the King's County, at noon-day, in the most public manner, and under very aggravating circumstances. He did not desire to accompany the presentation of the petition with a single observation that could give rise to an unpleasant discussion in the House, or hurt the feelings of any person out of the House. It was, however, right, that the facts should be known; and it was, moreover, his duty to call the attention of the House to the petition, which was most respectfully, and, indeed, mildly worded, as well as most respectably and numerously signed. He should, on that point, have been glad to have referred to the members of the King's County, had they been in their places. It was signed by about 600 persons, including the names of a deputy lieutenant—a near relative of the noble Lord (Lord Oxmantown) who represented the county—of several Magistrates, and all the respectable residents of the neighbourhood, without distinction of political opinion. The facts he had taken pains to ascertain. They had been furnished to him by a Mr. Atkinson, a Magistrate of the county, and a resident gentleman of the highest character and station, and they were as follows:—There was on the estate of that gentleman, a poor family of the name of M'Guinness: the eldest daughter was on her death-bed in the last stage of consumption, and the priest of the parish came to visit her; he observed on a shelf, in her sick room, some books, from which he took the Bible in question; he inveighed against its mischievous and dangerous tendency; and much and sincerely as he (Mr. Shaw) differed from him in that respect, it was not of those opinions, or the expression of them to the poor family, that he (Mr. Shaw) complained—but of the act which immediately followed. The priest required that the Bible should be forthwith burned; the mother and daughter strongly protested against any such desecration of a book from which they had derived so much gratification and comfort; for it seemed, that the daughter had been in the habit of reading this Bible to her father when he returned from his daily labour; however, the priest persisted, carried out the Bible to the public road, where he called for fire; after some hesitation, a lighted coal was brought by an old woman from the adjoining hamlet, which was applied by the priest to the Bible, and he then carried it back into the cottage and threw it into the fire. In the mean time (and this proves the value the owner set upon that book) the poor sick girl had concealed a Testament which had stood by the Bible in her bed, and the younger daughter was despatched to the field to call her father; he hastened to the cottage, and Mr. Atkinson's letter quotes the very words of that poor man: he said "he saw the Bible spread out upon a large fire, and the priest standing over it—that he (M'Guinness) took up a spade, upon which he lifted it out of the fire, but it had been quite consumed." Mr. Atkinson's letter continues. "This short statement of the facts is all that has transpired; and the only surprise is, that upon such a subject even so much information should be obtained. I owe my knowledge of it to the accident of the affair having taken place upon my own property; where, perhaps, my trifling influence procured me information which another might not have obtained. Although there were many witnesses, all of whom strongly, and many I believe sincerely, reprobate the act, yet they are unwilling and afraid to speak of it; the fact is, however, so notorious, that no attempt has been made to deny it." He would, on the present occasion, abstain from any comment on the transaction as regarded its religious character; he only had then to impeach it as a gross violation of the rights of conscience and of private property, and as a great offence against public decency and decorum. He disclaimed all political motive in presenting the petition, and in that he could be borne out by the worthy Alderman (Alderman Copeland), the member for Coleraine, in whose hands he (Mr. Shaw) had hoped, and was most anxious, that the petition should have been placed, and from whom he believed it would receive every support. That circumstance, and also an application to the authorities in Ireland having been made for redress, but without any good effect, had caused some delay in the matter being brought before the House.

Mr. Alderman *Copeland* did not rise to prolong the discussion; but, having taken pains to ascertain the facts of the case, he felt bound to say, that the hon. and learned member for the University of Dublin had stated them most correctly. The conduct of the priest, on that occasion, was such as all men must deprecate. He regretted, that Government had not noticed the conduct of the Archbishop of Dublin, which he (Alderman Copeland) considered to be very improper. He concurred entirely in the prayer of the petition, and he felt great pleasure in supporting it.

Mr. *O'Dwyer* said, that the Archbishop of Dublin had already paid every attention to this affair, and he thought the whole matter was to be attributed to the attempts of certain fanatical gentlemen of the Establishment, one of whom had improperly interfered with the priest, and the latter seemed to have retaliated in a very improper manner certainly; but he begged the House to suspend their judgment on the case.

Mr. *Feargus O'Connor* said, the fact that the priest could get no one to assist him in this act, was a proof of the morality of the people of Queen's County.

Mr. *Finch* said, it was a matter of great importance, that the Protestants of England should know the true spirit and character of the Church of Rome—particularly at the present moment, when it was not at all improbable, that a Motion would be submitted to the House for the purpose of diverting a portion of the revenues from the uses of the Established Church and appropriating them to the Church of Rome. Every one who was at all acquainted with Ireland must know the influence the Roman Catholic priests possessed, and how that influence was used to prevent the people from reading the Bible. If any person was found with a Bible in his possession without permission from the priest, remission of his sins was refused him. [" *No.*"] He knew the doctrines of the Church of Rome better than those of her members who cried " no," and in proof of his assertion would read an extract from the fourth rule *de libris prohibitis*, set forth by the select fathers, to whom the Synod of Trent committed this charge, and approved and confirmed by Pius 4th.—" Since it is manifest by experience, that if the holy Bibles in the vulgar language are permitted to be read every where without discrimination, more harm than good arises, let the judgment of the bishop or inquisitor be abided by in this particular. So that, after consulting with the parish minister or the confessor, they may grant permission to read translations of the scriptures made by Catholic authors, to those whom they shall have understood to be able to receive no harm, but an increase of faith and piety from such reading, which faculty let them have in writing. But whosoever shall presume to read these Bibles, or have them in possession without such faculty, shall not be capable of receiving absolution of their sins, unless they have first given up their Bibles to the ordinary." The hon. Member said it was notorious that the priests in Ireland acted in strict accordance with the principle laid down by the Council of Trent, and in proof of this he would read an extract from a work of Dr. Doyle's, signed J. K. L. "I heard," said Dr. Doyle, " of a poor man in the county of Kildare, who when I gave him a Bible, venerated it more than any thing he possessed, but having been favoured by the lady of his master with one of the society's Bibles without note or comment, accepted it with all the reverence which the fear of losing his situation inspired. But behold! when the night closed, and all danger of detection was removed, he, lest he should be infected with heresy, exhaled from the Protestant bible during his sleep, took it with a tongs, for he would not defile his touch with it, and buried it in a grave which he had prepared for it in his garden! I do admire the orthodoxy of this Kildare peasant, nay, I admire it greatly, and should I happen to meet him, I shall reward him for his zeal." With respect to the fanatical attempts of the Protestant clergy to propagate truth, he contended that they were pledged at their ordination to do so; and all he claimed for them was the same degree of liberty that was enjoyed by the Roman Catholic priests. It was notorious that in the north of England the Roman Catholic priests were in the habit of preaching by the road side, and that the missionaries of the Church of Rome were most indefatigable in their exertions to make converts to their creed. He did not blame them for this; but he thought he was not requiring too much, in this Protestant country, when he claimed the same privilege for the Protestant clergy.

Mr. *C. Fitzsimon* denied, that it was necessary for a Roman Catholic to have the written permission, or indeed any permission from his priest, to have a Bible in his possession. He stood there as an avowed Roman Catholic, and he defied contradiction to his statement.

Mr. *Plumptre* supported the prayer of the petition, and said, that there could be no doubt but that the members of the Church of Rome in Ireland were tyrannically deprived of the use of the Bible. The conduct of the priest on the occasion alluded to was of a disgraceful and afflicting nature, and he could scarcely conceive any crime of a higher character, than depriving persons who were willing to consult it, of the holy volume.

Colonel *Perceval* considered it one of the greatest outrages that could be committed, to take away the Word of God, without the consent of the poor creatures, as stated by his hon. friend (Mr. Shaw,) and confirmed by the hon. member for

Coleraine, and, not content with this, sacrilegiously to burn it. Where, he would ask, were the persons aggrieved to seek for redress when religion merged into a political despotism?—when the Roman Catholic priests exercised a right above the law? Where, he would ask, were the Representatives of the people at large to apply for redress upon such oppressive and unchristian proceedings, except to Parliament? He thought it one of the greatest curses to Ireland that the priests were above the law, and were permitted to do what they liked with impunity. No man who knew anything of Ireland could doubt, that the Roman Catholics were prevented, as far as the priests could prevent them, from reading the Bible. His authority might be doubted, but if the House would permit him, he would read a short extract, which, coming from the authority it did, would satisfy those who appeared to have a doubt upon the subject. The hon. Member read the following extract from the encyclical letter of Pope Leo 16th, dated May 3, 1824, and published with "Pastoral Instructions to all the faithful," by the Archbishops and Bishops of Ireland—"We, also, venerable brethren, in conformity with our apostolic duty, exhort you to turn away your flock by all means from these poisonous pastures (the Scriptures translated into the vulgar tongue). Reprove, beseech, be constant, in season and out of season, in all patience and doctrine, that the faithful intrusted to you (adhering strictly to the rules of our congregation of the Index) be persuaded, that if the sacred Scriptures be everywhere indiscriminately published, more evil than advantage will arise thence, on account of the rashness of men"—page 16. Dr. Doyle, it was notorious, interdicted the use of the Scriptures in his diocese, and, in the sentiments contained in the passage which he had just read, the Irish Prelates concurred. Dr. Doyle, in his "Pastoral Instructions," refers, in the following terms, to the passage:—"Our holy Father recommends to the observance of the faithful a rule of the Congregation of the Index, which prohibits the perusal of the Sacred Scriptures in the vulgar tongue, without the sanction of the competent authorities. His Holiness wisely remarks, 'that more evil than good is found to result from the indiscriminate persual of them,' and in this sentiment of our head and chief we fully concur." It was the bounden duty of Parliament to protect the peasantry of Ireland in the free exercise of opinion, and allow no man to prevent his reading the Word of Life. No person should be permitted with impunity to invade the privacy of their dwellings, and lay his sarcrilegious hands upon the Word of God. He hoped the time was not far distant when the Roman Catholic priests in Ireland would be brought within the law, and not permitted with impunity to oppress those who were committed to their care. Until such an event occurred, he (Colonel Perceval) despaired of seeing Ireland restored to tranquillity.

Sir *Robert Bateson* could not remain silent when he heard it stated that the Roman Catholic priests did not interfere to prevent the peasantry in Ireland from reading the Bible. Residing as he did in the north of Ireland, where the majority of the people were Protestants, he knew, that even there the priests did interfere to prevent the free circulation of the Scriptures. They denied the rights of their Church to whole families where even the children were discovered to be possessed of a Bible. He (Sir Robert Bateson) could not conceive anything more calculated to shock the feelings of a Christian than a person forcibly taking away the Word of God from a sick peasant and then forcibly burning it. He should be glad to be convinced that this was the only instance of such disgraceful conduct, but he knew the fact to be otherwise. The priesthood of Ireland possessed a power above the law, and they exercised that power so tyrannically that they had reduced the peasantry of Ireland to the most abject slavery. Circumstances of the nature referred to in the petition were of frequent occurrence in Ireland, and he hoped some means would be devised to place the Roman Catholic priesthood under the control of the law.

The Petition to lie on the Table.

POOR-LAWS' AMENDMENT — COMMITTEE.] On the Question that the Speaker leave the Chair for the House to go into a Committee on the Poor-laws Amendment Bill,

Mr. *Cobbett* rose to move the Resolution of which he had given notice. The hon. Member read the Resolution as follows:—"That a Select Committee be appointed to inquire whether it be just and expedient to enact, that, before any assessment for the relief of the poor shall hereafter be made upon the general property, in any parish of England or Wales, an assessment shall be made on the revenue of the incumbent of such parish, arising out of the benefice thereof, to the amount of one-fourth of the nett annual amount of the said revenue; that a like assessment, for the same purpose, shall be made on all abbey lands, and on impropriate tithes (if such there be), in each parish respectively, to the amount of one-fourth of the nett annual receipt from the rents or profits of such abbey-lands, or such impropriate or lay tithes; that no other assessment for the relief of the poor shall be made in any parish, unless the amount of these assessments shall be found insufficient for giving relief to the poor, according to the provisions of the Act of the 43rd year of the reign of Queen Elizabeth; and that, if these assessments be found insufficient in any parish, there shall be made, in aid thereof, on the whole of the lands and tenements and tithes in such parish, including the abbey-lands, the impropriate or lay-tithes, and also the tithes, manse, and glebe, of the incumbent of the parish, an assessment agreeably to the said Act passed in the 43rd year of Elizabeth." His main object was, to establish the right of the poor to receive relief. That was his main object. If he made out the justice of an assessment upon parochial tithes, he should not find much difficulty in making out the expediency. It was stated, in justification of the noble Lord's Bill, that the amount of the Poor-rates was so great, and the administration of them so corrupt, that all property would in time be swallowed up if the present system were allowed to proceed. When it was urged that the rich alone would derive benefit from the Bill, it was stated that such was not the case, and that the middle classes would be benefited. Now if his plan were adopted, the effect of it would be to relieve the middle classes to a great extent. With regard to the principle of his Motion, it would not be denied, that from time immemorial the poor had been relieved out of tithes and abbey-lands. As to the course which he wished to be adopted, he begged them to observe that the project was not new, or one devised by himself. This very proposition was made in 1793 by Mr. Morton Pitt, a great landed proprietor, a Magistrate of two counties, who had been a lawyer, and had retired from the Bar. That Gentleman saw the reasonableness of the proposition: but its consideration was put aside, in consequence of the breaking out of the French Revolution which turned the attention of all men to it. The poor had a right to relief according to the Canon-law, the Common-law, and the Statute-law. When, at the time of the Reformation, the aristocracy took possession of the tithes and abbey lands, they not only robbed the clergy, but also the poor, whose right to a certain portion of those tithes had been legally confirmed to them. Many attempts were afterwards made, to enforce the relief of the poor, but this having failed, gave occasion to the passing of the 43rd of Elizabeth. This measure acknowledged the right of the poor to relief, but, instead of its compulsory enactments being confined to the abbey-lands proprietors, they fell equally upon all landed proprietors throughout the country. Still that measure gave the poor compensation for that of which they had been forcibly deprived. As that compensation, as that right which the poor possessed both by law and by prescription, would be taken away by the Bill before the House, he had brought forward the present Motion, and he should like to hear any Gentleman controvert the doctrines which he held upon the subject, or bring forward arguments against the proposition which he made. If the House did take away from the poor the right which had thus been confirmed to them by Act of Parliament, then the poor must go back to their prescriptive right. It was very well known that during the riots in the rural districts it was frequently asserted that the tithes belonged to the poor. The third part of the tithes did belong to them, and the rents of the abbey-lands belonged to them in the like proportion. If the House took from them what the 43rd of Elizabeth had confirmed to them, then he hoped the House would enforce their prescriptive rights, whatever means might be adopted for so doing. He again asserted, that a third part of the tithes, and of the abbey-lands, belonged to the poor, and Parliament could not take those rights from them without giving them compensation. If Parliament passed the present Bill, and repealed the 43rd of Elizabeth, the poor would have a right to go back and enjoy the prescriptive rights which they had upon those tithes and abbey-lands. Some people, perhaps, might imagine, that this was a side blow at the Church, as he proposed to take a part of the revenues of the incumbents of Churches. But he could tell them that the rights of the poor and the rights of the Church would stand and fall together. If one was robbed, the other would shortly after be obliged to submit to the same injustice. That was the opinion of one of the best advocates of the Church of England, who was himself a clergyman. An eminent clergyman (he meant Mr. Townshend) prebendary of Durham, accused the owners of abbey-lands and of great tithes of having broken their original compacts, by which they became possessed of such description of property. He would read a quotation from a work of that reverend gentleman, in which it was stated, that the author "could enumerate a long and painful catalogue of instances in which the lay impropriators and owners of abbey-lands had betrayed this trust, and broken the original compact by which they had become first possessed of tithes and abbey-lands. They had betrayed their trust and broken their compact; first, as regarded the rights and claims of the poor; and, secondly, they had most scandalously broken them as regarded the clergy, and particularly the working clergy." He knew many instances in which in parishes the lay impropriators took away in shape of tithes 300*l.* or 400*l.* a-year, and left to the working clergyman the miserable pittance of 10*l.* a-year. That was the case in Aldershot, a parish in Hampshire, with which he was acquainted. Why, it was even worse. In that parish 600*l.* a-year were taken away, and only 15*l.* a-year were left to the working clergyman. He would make a bet with the noble Lord opposite—he would stake all he was worth in the world—that his Resolutions would be adopted by an English Parliament, and be made the law of the land, before the detestable Bill that was then before the House. How could it be expected, that a clergyman would reside in the parish to which he had just referred when he was only left 15*l.* a-year, whilst the lay impropriator took away yearly the sum of 600*l.*? In Botley, the parish in which he was born, 900*l.* a-year was taken away by the lay impropriator, who allowed no more than 28*l.* a-year to the working clergyman. The consequence was, that the clergyman could not reside in the parish, and only went to perform Divine service there once a month, or thereabouts. The parishioners, of course, were very much dissatisfied at such a state of things. The Church, taking it in the gross and dividing it fairly, did not receive one-fifth part of the property that really belonged to it. If the Church was in danger, and if it fell now, it was because on the present measure it was not making common cause with the poor. He repeated, that the measure before the House tended equally to plunder the Church and the poor. Mr. Townshend, when he wrote his book and made his statements, never dreamt of the noble Lord's plan and advice; he never dreamt, that Poor-law Commissioners were to take away from the poor the Act of Elizabeth. The reverend gentleman must know it now, and he was sure would think as he (Mr. Cobbett) did on the question. If that statute were taken away—if the rights of the poor to compensation were taken away, (and such would be the effect of the passing of the Bill before the House)—Englishmen would have a right to go back to tithes and abbey-lands, and to take with their own hands what belonged to them formerly by right. They would be doing no more than taking what was their prescriptive right, and for so doing they would be defended and justified in any Court of Law in England. If they did not do so they would not be showing themselves awake to their own rights as they generally were. At the time of the riots it was not explained to the people that their claim on the tithes was taken away from them by certain Lords, Gentlemen, and lay impropriators. If the people had received that explanation, their acts of violence would not have been directed towards the clergy. If the tithes were now restored to their original use, then would he say, that the Church was built upon a rock. But it would be built on sand and would certainly fall if the rights of the poor were taken away by the passing of the Bill before the House. He would not trouble the House by reading a second time his Resolution, and would conclude by merely moving it.

Lord *Althorp* entreated hon. Members not to delay the House from going into Committee on the Bill by agreeing to the hon. Member's Amendment. The question was one that might be discussed at any other time, even after the Bill before them had been passed. He agreed to the intimation made by the hon. Member, that the object of his Amendment was the relief of the poor, and such was also the object of the Bill before the House. But he would not then go into the subject, because if hon. Members might discuss such Motions when a different Order of the Day was fixed, he saw no use in appointing any Order at all.

Mr. *Godson* said, that if the poor were bound to be relieved, it was not sufficient to have that relief administered to them in the shape of emigration, and by sending them away into foreign lands. In words they had repealed the statute of Elizabeth, since the power granted to the Commissioners did away with the stipulations of that Act. There was a very material question to be discussed, namely, whether the poor had a right to relief, and he thought it should be known whether they had or had not, before the Bill under the consideration of the House was passed, and became the law of the land. If they had no such right to relief, then must they be satisfied with the amount of charity doled out to them. A long time back, when St. Augustin was in this country, the question as to the right of the poor to be relieved out of tithes was propounded to Pope Gregory, and his Holiness then decided, that the poor had a right to one-fourth of the amount of tithes. Now, when Government repealed the Act of Elizabeth, by which compensation was allowed to the poor, he thought they were throwing back the poor on their original right to a portion of the tithes, and he considered that then the question would be very naturally raised about the rights of those who possessed all abbey-lands, as well as about all tithes held by lay impropriators. He did not mean to detain the House, or prevent it from going into Committee; but he thought, that before the Bill was finally dispossd of, the question as to the rights of the poor to relief ought to be maturely discussed.

The House divided on the Resolution —Ayes 111; Noes 3: Majority 108.

The House went into Committee.

The 60th Clause relating to Emigration having been put,

Mr. *Wolryche Whitmore* said, that he was anxious to trouble the House with a few observations respecting this clause. Provided it were fairly considered, it would supply he thought very great facilities to the final passing of the measure before them. The question of emigration had often been on former occasions under the consideration of the House, and the opinions he then expressed on the subject, he confessed were not perfectly the same as those he entertained at the present time. Great good he now considered might be done if a surplus labouring population were sent out of an old and over-peopled country to new countries, or to countries destitute of population, where labour was necessarily in great demand, or where it might be profitably employed. The objection to sending away a surplus population was the constant and heavy expenditure it would entail on the country if a large stream of emigrants was continued to be sent off. For this reason he was not formerly a strenuous advocate for emigration. Before he proceeded to make observations on this subject, he thought it necessary to say a few words on the propriety of combining this clause with other parts of the Bill. If the surplus labourers in some parishes were found to be only a few, it was no reason for not having recourse to emigration in those parishes, since when that surplus was extended all over the country, and taken in one general amount, it would produce a large one. He certainly was of opinion that in some parts of England there was a surplus labouring population; there was more labour than was demanded. In the ten years preceding 1821, the general increase of population was nineteen per cent; in the ten years preceding 1831 it was fourteen per cent. In the counties of Buckingham and Nottingham, it was, in 1821, about fifteen per cent, and nine per cent in 1831. In Cambridgeshire the returns exhibited an increase, in 1821, of twenty per cent, and, in 1831, of eight per cent. The increase he had mentioned was an increase on the great amount to which the population had reached in 1811 and 1821 respectively. In Sussex it was stated, that the amount of population for the last twenty years had increased from 161,577 to 204,707, or about an average of twenty-six per cent. From 1811 to 1831 he found that in thirteen counties in which the Poor-laws were ill-administered there was an increase of 48,425 families. Now, when he contrasted these thirteen counties with thirteen northern counties in which the Poor-laws were well administered, he found that the increase in the same period of the agricultural population of the latter was not more than 5,000 families. If in the southern counties it were found, that no extension had taken place in agriculture, was it not a reason for believing that there was a considerable surplus in the agricultural population of those counties in which the Poor-laws were ill-administered? He confessed, that he was one of those who entertained the opinion that in those last-mentioned counties the population was somewhat redundant. If there had not been so much Poor-rates taken out of the pockets of the farmers in those counties they would have been enabled to afford more employment to agricultural labourers. He still, however, believed, that in certain districts of the country there was not sufficient employment to afford its fair remuneration to labour. If such were the case —he would say with respect to this clause, which gave the Commissioners the power of raising money to promote emigration, that it deserved to be supported. When it was a fact that there was a surplus labouring population, they ought to allow every facility for the levying of money, in order to bring about the accomplishment of the objects of the clause. In the view which he took of England he considered that it was perfectly possible to introduce a system of emigration, the expenditure attendant upon which would not depend on any funds raised in this country, but on funds that would accrue from the sale of colonial waste lands. He would give the House an idea of the extent of those waste lands. In our North American Colonies the extent of land ungranted and uncultivated amounted to 23,000,000 of acres. In Australia there was an extent of territory measuring from east to west 2,000 miles, and from north to south 1,700 miles. At the Cape there was unoccupied a tract of land measuring in breadth 240 miles and in length 270. The question was as to the value of these waste lands if they were brought into the market to be sold. There was very little doubt but that there would be a considerable sum arising from such a sale. When capital and labour were applied to these lands no one could doubt but they would yield considerable value, and he believed, that the amount would be greater than many Gentlemen imagined. He found, that the proceedings of the Canada Company had been attended with very great profits. Large sums had accrued to them from sales of land, and their profits were likely to go on increasing. He had in his possession several statements showing the large profits made by this Company. The shares were nominally of 100*l.* each, on which 18*l.* had been paid, and these were now selling in the market for 49*l.* This was to him a conclusive proof of the increased value given to land by emigration. The progress that had been made in the United States was also very striking. Formerly uncleared land in the United States sold for less than a dollar an acre. At present uncleared land sold for from two to four dollars, and land partially cleared for from four to sixty dollars. If they looked also to the land in the different townships they would find a corresponding increase of value. A document had been put into his hand as he came down to the House showing the change that had taken place in the value of land in a township at the extremity of Lake Michigan, where building land, which a short time ago sold for 400 dollars an acre, was now selling for 3,000 dollars. The same fact was true of our own colonies. In York and in Sydney the price of land had increased wonderfully. Indeed, so great was the change that it was almost startling. He was extremely anxious to impress upon the House the fact, that to whatever point the stream of emigration had been directed there the price of land had been raised. The question, then, was when by the application of labour and capital, the value of uninclosed land was raised, whether the money obtained by the sale of such land should not be appropriated towards promoting emigration? No one would for a moment assert that emigration could be injurious to the colonies. It was giving to the colonies labour and capital, and pointing out the best means of applying both. At the same time a great advantage was conferred on the labourers who were induced to emigrate, as they were then enabled by their exertions to raise themselves to a state of independence. Emigration was beneficial also to the labourers remaining at home, as the competition in the market for labour was lessened, and wages of course rose. But it might be said, perhaps, that the amount so obtained from the sale of our waste lands in Canada would be but small.

The United States at the present moment were in the receipt of 3,000,000 dollars annually (very nearly 700,000*l.*) from the sale of their waste lands. It would be seen, therefore, that the amount which we were likely to receive from the sale of our Crown lands in Canada would not be inconsiderable; indeed there was every reason to suppose, that we should, in the course of a few years derive as much revenue in that way as the United States did, and the application of such a sum to the purposes of emigration would no doubt be productive of the greatest possible benefit to this country. He had been compelled thus inconveniently, and, as many might think, out of place, to bring this important question before the House. It was his determination to move for a Select Committee of Inquiry into the subject, as it was one that could be best investigated before such a tribunal; but the advanced period at which the Session had now arrived, put it out of his power to carry that determination into effect. If, however, the question should appear to the House and the country to be what he conceived it was—one of national importance—he would certainly move for the appointment of such a Committee next Session. With regard to the Bill immediately before the Committee, he begged to say, that never since he had a seat in Parliament, did he remember a measure so pregnant with benefit to the country, and he trusted, therefore, that everything would be done to facilitate its progress through the House. Some hon. Members seemed to think differently of this measure, but they would give him leave to say, that those who did so took short-sighted views of the subject. No class was so immediately concerned in the passing of this measure as the poor. The system at present in operation, and to remedy which this measure was intended, would seem to be the production, not so much of the perversity of human judgment, as of the malignity of a fiend. It was one which converted the labourers of this country into degraded slaves, which dried up all the sources of charity, and which spread vice and immorality throughout the land. If they were anxious to remove such a state of things, they would pass this Bill in its present shape; and he trusted, that it would also be successful in its progress through the other House. The hon. Member concluded by moving the insertion of a proviso to the effect that, after the monies so raised or borrowed by the Commissioners had been applied to the purposes of emigration, they should be empowered to apply to the Secretary of the Colonies, and he should be authorized to hand over to them an equal sum out of such monies as might be disposable, arising from the sale of Crown-lands in the colonies, to be applied to defray the expense attendant upon the emigration of labouring men and their wives and families, such persons being settled in the parishes and receiving support out of the monies raised by the Commissioners as aforesaid.

Colonel *Torrens* had heard with great satisfaction the speech of his hon. friend, the member for Wolverhampton. The principles therein so ably propounded were peculiarly applicable to the actual state of the country, and to the Bill before the House. He had from the first distinctly stated, that he approved the principles upon which it was proposed to reform the administration of the Poor-laws; but while he approved of the principle of the Bill which had been introduced, he conceived that several of its provisions were of too stringent a character, and could not be carried into practical effect without considerable difficulty. He regarded the Bill as a species of high-pressure engine, which, without the safety-valve of emigration, could not be worked except at the hazard of destructive explosion. The allowance system, paying the industrious labourer not wholly by his employer, but partly out of the parish-rates, was the great abomination of the Poor-laws, which had degraded the rural population, which had reversed the progressive improvement of society, and had brought back a worse than feudal system, reducing the people to predial bondage, and rendering them serfs and villeins on the soil. But how was this abomination to be got rid of? The 46th clause, abolishing the allowance system, would work well in those agricultural parishes in which there was not a surplus population. In these the operation of the clause would be, to withdraw from the labour-market the labourers with large families who were partly supported from the parish; this would reduce the supply of labour below the demand, and raise wages until they became sufficiently high to afford married labourers with families independent support. This remedial process, however, would not take place in parishes where the population was redundant. In these, withdrawing from the labour-market those who might receive relief out of the parish-rates would not reduce the supply of labour below the demand, and, therefore, would not raise wages so as to enable married labourers with families to earn independent support. These would remain permanent burthens upon their parishes. If the parishes supplied them with sufficient subsistence, their numbers would increase; and it could not be attempted to subsist them so scantily as to prevent their increase, and to cause them to decay. In every agricultural parish having more labourers than were sufficient for the cultivation of the soil, a permanent pauper settlement would be established. How was this evil to be obviated? Only by acting on the principles propounded by his hon. friend, and adopting an extensive system of colonization. But it was not merely with respect to the agricultural parishes having a surplus population that the Poor-laws Amendment could not work for good, unless accompanied by a system of emigration. To improve the condition of the English labourer, without at the same time improving that of the Irish, would be impracticable. Unless the Legislature improved the condition of the Irish, the English Poor-law Amendment Bill would be abortive. In two countries so intimately connected, and now brought into such immediate contact by steam-navigation, two different rates of wages could not be permanently maintained. Equality must be produced either by the English falling to the level of the Irish, or by the Irish rising to the level of the English. But how could the scale of comfort in Ireland be raised to the English level? Only by drawing off her surplus population by a constant stream of self-supported emigration to the colonies. Examine the cause of Ireland's inferiority. Her Assessed-taxes had been repealed, her land was not burthened with Poor-rates, much of it was tithe free, and she had for her produce a monopoly in the richest market of the world. Why, then, were the cultivators of the soil so wretchedly supplied with all the comforts, and even decencies, of life? From the defective state of agricultural industry, almost the whole of the population were employed in raising raw produce from the soil, and few remained to work it up into secondary necessaries and decent comforts. The smaller the proportion of the population of a country required to raise the food of the whole population, the greater became the number available for the production of clothing and furniture, and ornaments and decorations. In England, four men were sufficient to cultivate 100 acres of land; and the produce of 100 acres, after subsisting the primary producers, went to feed secondary producers, who supplied comforts and luxuries. But, in Ireland, 100 acres might be occupied by 100 cultivators; and it was only that portion of the produce which remained after feeding 100 cultivators, which could be applied to supporting those who supplied comforts. The condition of the Irish could not be improved until a new distribution of the industrious classes had been effected—until a smaller proportion of the population was employed upon the soil, and a larger proportion left free to produce comforts and conveniences. But, if the English and Scots system of managing land were introduced into Ireland,—if farms were consolidated, and 100 acres were cultivated by the labour of four persons, how was the rural population, thus cast out from their small holdings, to be disposed of? Without emigration, there was an almost insuperable obstacle to the improvement of Ireland. While almost the whole of the population dwelt upon the soil, competing with each other for small patches of land at enormous rents, predial poverty must continue, and predial outrage and insurrection periodically recur. It was not political, it was economical, causes which produced the evil. No remedy had yet reached the canker at the core. In vain the Legislature had mitigated the barbarous penal code; in vain passed the Catholic Relief Bill and the Coercion Bill; and equally in vain, for the relief and pacification of Ireland, would be the abolition of tithes and a new distribution of the property of the Protestant Church. For all this would avail nothing while almost the whole population of the country were employed in cultivating small patches of land at enormous rents. The first step towards improvement must be, a more effectual system of agriculture, allowing a smaller proportion of the population to raise food for the whole. But this first step was a perilous and agonizing operation. In taking it, one half of the rural population would be ejected from the soil. How could they be dealt with? If left destitute, they would rebel, and do the work of destruction. If supported by a Poor-rate, the rental would be soon insufficient; if allowed to come to England and swamp the labour-market, the people of England would be reduced to the Irish level. There could be no safety, no improvement, without planting in the colonies the rural population of Ireland thrown out by the consolidation of farms. Without an extensive system of colonization, this Poor-law Amendment Bill could not work for good; it would be a piece of incomplete, abortive, and pernicious legislation, accelerating the period when England should be reduced to the Irish level. Emigration from Ireland must be part and parcel of the measure for reforming the English Poor-laws. The hon. member for Oldham dissented from the principle he had now ventured to propound. He was glad of that. He was glad, that the hon. member disapproved of colonization, for that was a fair presumptive proof that colonization would be beneficial to the country. The hon. Member was opposed to education and improvement, and it was quite consistent that the hon. Member should be opposed to emigration. On the principles of the hon. Member, he must be opposed to the existence of the United States of North America, as being the creation of emigration from England. He should recall the United States, and replant their population in the United Kingdom. He was the advocate of ignorance and barbarism, and belonged to an age that was past. The advocates of what was called home colonization would object to the plan so ably expounded by his hon. friend. They would contend, that the waste lands of the United Kingdom should be brought into cultivation before we planted our increasing population upon the lands of the colonies. The question of home colonization resolved itself into this: were the waste lands of the United Kingdom more or less fertile than the unappropriated lands of the colonies? Let the facts be accurately ascertained; let the experiment be fairly made,—cultivate, he said, commons, heaths, moors, bogs, and even mountain tops, provided you can obtain from them a produce sufficient to replace capital and amply to subsist the cultivators. But let them not perpetrate the folly of planting home colonies on lands yielding a scanty return, instead of planting foreign colonies on lands yielding an ample return. If the cultivators of lands yielding eight bushels of corn per acre obtained low wages and low profits, do not commit the absurdity of attempting to afford them relief by planting them on lands yielding six bushels an acre. If profits and wages were reduced, as there was a necessity to resort to soil yielding a scanty return in proportion to the outlay, let them not entitle themselves to apartments in Bedlam by dreaming that they could relieve distress by resorting to soils of a still more inferior quality. If they would acquire the character of practical legislators, let them take their lessons from experience. Why did the people of the United States of North America enjoy so high a scale of comfort, and so rapid a prosperity? Was it by home or by remote colonization? Was it by cultivating the waste lands of the eastern States, or by pouring out upon the immense alluvial plains of the Mississippi? Unless the waste lands of the United Kingdom were superior in quality to the last soils already under tillage, resorting to them could not by possibility remove the existing pressure. It had been supposed, and not unfrequently asserted, that colonization must abstract from the mother country capitalists as well as labourers; and that, inasmuch as capital was abstracted, the funds which put industry in motion would be diminished, and the home demand for labour contracted, and the country impoverished. This objection sounded plausibly—it was put forward with pretension and with an air of scientific accuracy; but it was unsound—it was valueless—it proceeded upon an entire misconception and an utter ignorance of the sources of wealth and of the causes of a nation's advance through the progressive to the stationary state. Capital required to be in co-operation with land, in order to reproduce itself. Considered as a thing by itself, and disconnected from the soil, and from the raw produce of the soil, it was not a source of wealth; it neither afforded employment to labour, nor could be itself reproductively employed. If the farmer, however abundant his capital, did not apply it to land yielding some greater quantity of food and seed than that expended in cultivation, then agricultural capital, instead of affording permanent employment to the rural population, would gradually melt away and perish. And if the manufacturer, however abundant his capital, consisting of food and materials, could not find cultivators able to give for his finished articles at least as much food and materials as were expended in preparing them, manufacturing capital would be redundant, there would be no profitable field for its employment, and it could not create a demand for the labour of the operative. In proportion as capital became more and more abundant in relation to the extent of the fertile soils from which the supplies of food and raw materials were obtained, profits became less and less, until no additional capital could be beneficially employed, and until new accumulations from revenue ceased to be reproductive, and lost the capacity of giving employment to labour. Where a plethora of capital existed, an abstraction removed the paralysing pressure, and restored to industry her suspended animation. Was a plethora of capital the existing disease of the country? An examination of the symptoms would tell. Throughout all the departments of the national industry, the complaint of inadequate profits prevailed. The landed interest affirmed, that the profits of the farmer were reduced to nothing; the shipping interest told a like tale; and the manufacturer, though he executed more work, realized less gain. A growing difficulty in obtaining beneficial employment for capital was everywhere felt. How could they remove the pressure by which they were pent in? And by what process could the field of employment be enlarged, and high profits restored? Only by an extensive system of colonization. In Ireland there was redundant labour; in England, redundant capital, and in the colonies boundless tracts of rich and unoccupied land. Let them collect and place in juxta-position these scattered elements of wealth, which were singly unproductive, but which, in combination, would become creative of national opulence. As they planted and extended new colonies, new markets would open and expand to our commerce. This was the way to combat hostile tariffs and anti-commercial combinations. When rival nations heaped new and increasing restrictions on our industry, let us—to borrow the expression of Mr. Canning—call new worlds into existence to adjust the balance of the old. Thus acting, they would create for England an expansive prosperity, the limits of which the imagination could not reach. His right hon. friend, the Secretary for the Colonies had now the power of conferring upon the country greater benefits than it ever fell to the lot of statesman to bestow. He had the power of terminating predial disturbance in Ireland, and of giving to England high wages and high profits, with an indefinite extension of industry and wealth; he had the power of extending the British name, and race, and language, and civilization, throughout the unpeopled regions of the world—the power of planting nations, and rocking the cradles of giant empires. For these reasons, and under these impressions, he cordially supported the Motion of his hon. friend, the member for Wolverhampton.

Mr. *Cobbett*, must, at the risk of being designated a barbarian, take the liberty of expressing his hatred and abhorrence of the cruel Bill,—especially of the clause of which the hon. Gentleman was so fond. How stood the fact as it was placed before the House by the Report of the Committee of which the right hon. Baronet, lately the first Lord of the Admiralty, was president?—a Committee, composed of twenty-seven gentlemen of the first estates, and he might say, of the first talents in England,—that Committee reported, on evidence which they laid before the House, that the lands of England were greatly deteriorated in consequence of sufficient labour not being bestowed upon them; that some were wholly ruined for want of cultivation, that a great portion was only one-half cultivated, and others only one-third. And what was the cause of this? Why, the farmer had not money enough to pay labourers. The hon. member for Wolverhampton said, that although capital was not to be found for employment in England,—plenty of capital was to be found for the cultivation of the woods in Nova Scotia. He could assure the hon. Member, whatever he might have heard from land-jobbers and speculators,—and by no one else could he be so deceived,—and they would deceive Satan himself,—that there was no such good land to cultivate in Nova Scotia as the refuse of Bagshot Heath. The lands of England needed cultivating, because the farmers had not the money to pay for labour; and yet they were to pass a law to compel or induce them to give money to labourers to go abroad and cultivate the lands elsewhere. Suppose he had a farm not half cultivated—the briars running out from the hedges, and the fields full of noxious thistles, and suppose that this arose from want of money. Suppose there were a great number of labourers out of employment, and that some of them came and told him, that the mere circumstance of there being many men wanting work increased the difficulties of the country, because it enhanced the amount of the Poor-rates. What must he say? "Here my lads—here is money—here is money enough to keep you for twelve months; my farm wants workmen, to be sure; but do, for God's sake, just do me the favour to go and cultivate the land in Canada." Why, would not the wise, and just, and sober-minded Lord Chancellor, be perfectly justified in giving his heirs the power of shutting him up in a madhouse, if he were guilty of such an absurdity? But that was the situation in which this clause would place the country. The whole Bill was bad; but this clause was one mass of gross absurdity and stupidity. The gallant Colonel said, that land in the colonies was, "thirsting" for labour. The rocks were thirsting for labour, and the swamps were thirsting for draining. The assembly of Lower Canada passed an act imposing a tax upon all emigrants who came into the colony. Last winter, a proposition was made to repeal that law. And what was the reason assigned for not taking that course? They would not repeal the Act because it tended to prevent the unfortunate wretches who were deluded in England by jobbers and speculators from going to Canada as emigrants; and another reason was, that they wanted a fund out of which to relieve the distressed emigrants from starvation. There was one fact upon which he could not entertain the slightest doubt. The right hon. Gentleman, the Secretary-at-War, said, when he brought forward the Army Estimates, that many of the soldiers who received a commutation for their pensions, and emigrated to Canada, and proceeded to New York, where they received the money from the Consul, had returned in a state of destitution. It was agreed, that they ought not to lose their settlements, but that they ought to be relieved, because they had been deluded and deceived,—and that it was those who sent them there, and not the poor fellows themselves, who were to blame. Now, in the face of such a fact, would the hon. member for Wolverhampton say, that persons were to be sent to make their fortunes in the Colonies? and was it under such circumstances as these that the House was to call upon parishes to find money to send their poor away? One question put by the Poor-law Commissioners to some gentlemen in every county in England and Wales was: "What do you think of an enactment enabling parishes to tax themselves, in order to facilitate emigration; and should an emigrant, sent out at the expense of the parish, lose his settlement if he return?" This question was put to about 1,700 gentlemen of information and respectability. Their answers had been laid before the House in print, and the noble Lord must know what they were, 509 said, that emigration would be bad; many said, that there were not labourers enough, and the instance of a parish in Lincolnshire during the last harvest was adduced; 318 gave no answer at all; one parish near Halifax very sensibly answered in a single word,—"Horrible;" 162 could form no judgment on the point; 108 said it was wholly impracticable; and only 291 said, it was a capital project. These answers were much more likely to be correct and impartial than the statements of a self-interested land-jobber, who would sell land in the moon if he could get any one to buy it. What were these papers laid before the House for? To form their judgments accordingly. Then let them take the Report of the Poor-law Commissioners. What did the clause itself provide? One answer was sufficient. One said, "I have no practical experience of emigration; but I feel very averse to it, as tending to remove the best part of the people, and to leave only that which is inferior, both in mental and physical capacity. I think the emigrant should not lose his settlement; for he must be settled somewhere if he return." The clause, however, provided, that the party should be punished if he returned, or became chargeable to his parish, within a certain time after receiving the money enabling him to emigrate. Suppose, after he had received the money, his children ran away and would not go, what was he to do? He had no control over them: he could not force them to go. Suppose his wife refused to go, was he to be punished? To punish the wife was utterly impracticable. Well, suppose a man and his family took the money, it was very clear they would not be shipped off or transported if they could help it. Make it imperative for them to go; tell them that they should be deprived of their settlement if they returned: tell them the terms on which they go, and not a man would budge an inch. But suppose the father died on his passage or soon after his arrival, would the mother stop there? No; all the whole world would not make her. She would be kept there under any circumstances with great difficulty; nothing would keep her there but absolute force and when none was exercised, she would come back with her children. Was she to be punished, by throwing her into a gaol? Every Gentleman knew how great the difficulty was in keeping families together under such circumstances, even where the parties were well off; but to do so when they were placed in the situation to which these persons must be reduced, would be absolutely impossible. But to be of any use, this system must be brought into general operation; a few hundred families would be a mere nothing. Was it supposed or expected that these persons would preserve their allegiance to this country? Would they have a right to fight against their country, or would they still owe allegiance to England? Certainly not. This was not at all an imaginary case. During the last war, twenty-three Englishmen were taken prisoners in Canada: they had served in the American army, and they were sent to England to be tried as traitors. Immediately on their being taken, General Theobald, the American officer, ordered into close confinement twenty-three English soldiers, whom he detained as hostages until the fate of the Americans should be made known. Matters stood in this situation when Buonaparte went to Elba. Things took a different turn soon afterwards. The Yankees gave us a sound, hearty thrashing. We grew very modest, and very humane, all at once: we took the twenty-three Englishmen, who were to be tried as traitors, and put them into the English prisons along with the rest of the American prisoners of war. Nothing more was heard of the matter. If this nonsensical, absurd, and foolish clause should be agreed to—even if the excellent Amendment of the hon. member for Wolverhampton was rejected, and the clause in all other respects passed—he should certainly feel it his duty to propose the insertion of a proviso, to the effect that no person, after being expatriated, should be considered as a traitor in taking arms against England.

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For instance, if it were to be conceded to the hon. Gentleman, that in the whole of the colonial possessions of this country, we had nothing but swamps and rocks on which to employ labourers, the House would, undoubtedly, have to deal with one of the most monstrous clauses that ever was introduced. But how could the hon. Gentleman risk his credit by volunteering such a statement as that? Was the hon. Gentleman, then, prepared to risk his credit before the House and the country, knowing, as he did, the means which almost every Gentleman in the House possessed, of forming a judgment on the point, that the colonial possessions of this country presented nothing to the industry of British settlers but swamps and rocks? The assertion was a specimen of the kind of reasoning which the hon. Gentleman had employed, not only on the emigration clause, but on every principle and every detail of the Bill. He asked the House to judge of the hon. Gentleman's assertions, in other instances, by the accuracy of this; and if they found this to be wrong, abroad and cultivate the lands elsewhere. Suppose he had a farm not half cultivated —the briars running out from the hedges, and the fields full of noxious thistles, and suppose that this arose from want of money. Suppose there were a great number of labourers out of employment, and that some of them came and told him, that the mere circumstance of there being many men wanting work increased the difficulties of the country, because it enhanced the amount of the Poor-rates. What must he say? "Here my lads—here is money—here is money enough to keep you for twelve months; my farm wants workmen, to be sure; but do, for God's sake, just do me the favour to go and cultivate the land in Canada." Why, would not the wise, and just, and sober-minded Lord Chancellor, be perfectly justified in giving his heirs the power of shutting him up in a madhouse, if he were guilty of such an absurdity? But that was the situation in which this clause would place the country. The whole Bill was bad; but this clause was one mass of gross absurdity and stupidity. The gallant Colonel said, that land in the colonies was, "thirsting" for labour. The rocks were thirsting for labour, and the swamps were thirsting for draining. The assembly of Lower Canada passed an act imposing a tax upon all emigrants who came into the colony. Last winter, a proposition was made to repeal that law. And what was the reason assigned for not taking that course? They would not repeal the Act because it tended to prevent the unfortunate wretches who were deluded in England by jobbers and speculators from going to Canada as emigrants; and another reason was, that they wanted a fund out of which to relieve the distressed emigrants from starvation. There was one fact upon which he could not entertain the slightest doubt. The right hon. Gentleman, the Secretary-at-War, said, when he brought forward the Army Estimates, that many of the soldiers who received a commutation for their pensions, and emigrated to Canada, and proceeded to New York, where they received the money from the Consul, had returned in a state of destitution. It was agreed, that they ought not to lose their settlements, but that they ought to be relieved, because they had been deluded and deceived,—and that it was those who sent them there, and not the poor fellows themselves, who were to blame. Now, in the face of such a fact, would the hon. member for Wolverhampton say, that persons were to be sent to make their fortunes in the Colonies? and was it under such circumstances as these that the House was to call upon parishes to find money to send their poor away? One question put by the Poor-law Commissioners to some gentlemen in every county in England and Wales was: "What do you think of an enactment enabling parishes to tax themselves, in order to facilitate emigration; and should an emigrant, sent out at the expense of the parish, lose his settlement if he return?" This question was put to about 1,700 gentlemen of information and respectability. Their answers had been laid before the House in print, and the noble Lord must know what they were, 509 said, that emigration would be bad; many said, that there were not labourers enough, and the instance of a parish in Lincolnshire during the last harvest was adduced; 318 gave no answer at all; one parish near Halifax very sensibly answered in a single word,—"Horrible;" 162 could form no judgment on the point; 108 said it was wholly impracticable; and only 291 said, it was a capital project. 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Gentleman's assertions, in other instances, by the accuracy of this; and if they found this to be wrong, to suppose that his reasoning on other occasions might be equally futile. Another rather singular circumstance was, that the hon. Gentleman had, on this occasion, admitted, with some degree of approbation, the authority of the Poor-law Commissioners, and he, who had undervalued all their other proceedings—who had stigmatized them in language almost as hard as that which he complained of—he who had thrown overboard all their misrepresentations, and disputed their statements,—called upon the House to found its judgment on the answers to a query which had little or no connexion with the present question. The hon. Gentleman had also referred to fragments of the evidence taken before the Agricultural Committee, on which he founded the assumption, not only that there was no excess of population in England, but that there was no redundancy of population in Ireland. The hon. Gentleman possessed a shrewdness of observation not often equalled, and he must know perfectly well, that there might exist in particular districts, an excess of population, although the general population of the country might not present the same excess. If the hon. Gentleman looked to the real state of the case, he would find, that, incidentally, the present Poor-law system was one of the causes which prevented that distribution of the population in different districts, which would equalize demand for labour. He must say, that some Gentlemen,—and the observation would even apply to many who approved of this measure,—entertained an unnecessary degree of fear as to its operation. The hon. member for Bolton said, that he feared at first there would be considerable difficulty in remedying the evils arising from this unequal demand for labour. But the hon. Gentleman would see, that if there were to be an excess of labour in Sussex, for instance, while labour was in demand in Lancashire, it could be taken from the one county, and provided for in the other, unless, indeed, there were some artificial bond of connexion between the labourers and the place. He freely admitted, that there undoubtedly might be cases in which the application of this peculiar remedy would become a point well deserving the consideration of the Legislature. Those who did not follow the hon. Gentleman with some attention, might really have inferred, that this was a compulsory clause, whereas it was only permissive, the consent of the party himself being absolutely and indispensably necessary, before a single step could be taken. He dwelt on this the more, because, in former discussions, the object of the provision was very much misrepresented, and it was considered in the light of a new mode of transportation intended for the injury and prejudice of the labouring poor. He might be allowed to say, that they ought not to touch upon this question, without doing justice to a right hon. friend of his, now far away, of whom his friends entertained the most honourable recollections. Sir Wilmot Horton originally introduced the question with much perseverance. Many were the sneers directed against him in the course of his labours; but it was a fact, that many of the principles he laid down were now recognised and adopted even by those who scouted them at the time. The hon. member for Oldham referred to the case of the military emigrants to Canada. But supposing all the hon. Gentleman's assertions on that point to be admitted, did it follow, because a pensioner, whose habits might not exactly fit him for a new colony, who might not have been sober, industrious, and provident, had not succeeded; that therefore all subsequent settlers of a different station in life, and possessing the necessary qualifications, must fail. What was the proposition of his hon. friend, the member for Wolverhampton? "That it shall and may be lawful for the Secretary of State for the Colonies, (these words being imperative, and giving him no discretion), whenever, and as often as there shall be any monies undisposed of arising from the sale of Crown lands in the colonies, to apply such monies to defray the expenses of the emigration of labouring men and their families in a given proportion." Government had long since adopted the general principle as applicable to settlers and colonies. The produce arising from the sale of Crown-lands in the Australian provinces was already applied to this purpose, but, he must say, in a manner infinitely preferable to that proposed to be established by this clause. Take the case of Van Diemen's Land. It appeared by the last advices from thence, that a sum of 15,000*l.* had been produced by the sale of Crown lands, and that it had been applied to this and no other purpose. But if this Amendment were adopted, the sums thus raised must be applied to this specific purpose only. He put it to his hon. friend whether, after the recognition of the principle by the Emigration Committee, it would not be better to leave the application of these funds to the unfettered discretion of Government, than to render it imperative upon it at all times, and under all circumstances, to expend a fixed proportion of this sum in aid of emigration. The necessarily varying circumstances, too, of different colonies at different times, was a strong objection to the adoption of the proposal. At one time it might be desirable to apply half the whole amount raised to this purpose; at another time, that half might be an excess; there would be times when the demand for labour in the colonies would be of itself perhaps a sufficient inducement for emigration, and others when that inducement would be very much lessened. It had even been found necessary to vary the encouragement under which female emigration to New South Wales had been carried on. At one time 10*l.* had been given to every emigrant, at another 8*l.*, and sometimes even as much as 12*l.* This was an additional reason for leaving an uncontrolled discretion on the point with Government. There was another objection which ought not to be lost sight of. The amount of these funds was very uncertain. Suppose, for instance, that in a given period no sales of Crown lands took place, or that the receipts were greatly diminished. Exactly in the same proportion an inevitable and necessary restraint upon emigration from this country would be imposed. Suppose, for instance, that the 15,000*l.* raised from the sale of Crown-lands in Van Diemen's Land were entirely absorbed in carrying this object into effect, during the present year, the consequence would be that, in a subsequent year, the parties who wished to emigrate would derive no assistance whatever from this fund. More important objections arose with respect to other colonies. In some, these funds were already applied to other uses; in others, the Government was in communication with the local legislatures, with a view to effecting arrangements connected with these very land revenues. If this clause were to be carried, appropriations already made must in future be derived from other sources, and the negotiations still pending with the local legislatures must be conducted on new principles. It was on these grounds that he was disposed to press his hon. friend, under the circumstances he had stated, to leave the Government that unfettered control which it now possessed over the application of this fund. Not only his hon. friend, the member for Wolverhampton, but the hon. member for Bolton (Col. Torrens), had alluded to the trial of an experiment in a new colony. He attached the greatest importance to that trial; and, without pledging himself or his Majesty's Government to the adoption of any definitive course, he had no hesitation in saying, that it was one to which there was every disposition to give favourable and early consideration, because the matter was important, in point of time, and in regard to the consequences involved, and the interests affected. If there were delays or difficulties, they did not arise from any insensibility on the part of his Majesty's Government to the importance of the subject, but from a due sense of the responsibility which attached to any Administration upon founding a new Colony. The country had had some experience on the subject. He was the last person to express any distrust of the present proposition, with respect to which, so far from entertaining any such sentiment, he was disposed to feel considerable confidence. But they knew that, when the Swan River experiment was first opened in this House, nothing could be more alluring than the representations made to Parliament. One of them was, the great advantage of freedom from all expense. There could be no doubt, however, that that settlement had cost a great deal of money; and the pecuniary responsibility was the least which the mother-country incurred when she undertook the formation of a new colony. It was quite in vain to contend, that any understanding which could be come to between the new settlers and the Government could ever relieve the latter from the responsibility of vindicating the honour of the country if it should be necessary, or of protecting national interests and establishing good government in any Colony upon which the British flag might be unfurled. The arguments which had been advanced in support of the proposition of the hon. member for Wolverhampton had been used, he had no doubt, with the most perfect sincerity; but it was necessary that the Ministers should see their way clearly before they lent the sanction of Government, either directly or indirectly, to such a system of emigration as would be created if the hon. Gentleman's proposition should be acceded to. Under the provisions of the Bill as it now stood, the terms would be easy to comply with, and greatly to the advantage of those who did comply with them, which was an additional reason for not adopting the Amendment. His recommendation was, to try the experiment first; and if it succeeded, to legislate more fully afterwards. His hon. friend said, that, in another Session of Parliament, he might feel it necessary to move for the appointment of a Committee to consider of the subject of emigration generally. He was quite satisfied that such a proposition could not come with greater weight from any person than from his hon. friend; but he would beg of his hon. friend to suspend any legislation upon the subject until he had seen how the present measure would operate. The Ministers would not oppose the principle upon which his Motion proceeded—on the contrary, they were prepared to adopt it; but they wished it not to be pressed at present.

Mr. *Hodges* contended, that it was monstrous to establish such a principle as that parishes should be allowed to borrow money for such a purpose as that of expatriating Englishmen in order that their places might be supplied by Irishmen.—He for one should feel it his duty to resist so unjust a proposition, and therefore, he should, at the proper time, move an addition to the clause to the effect—"Provided always that no sum of money for any such purpose as aforesaid shall be raised and expended until some provision for the relief of the poor of Ireland be by law established."

Mr. *Clay* considered, that emigration would be advantageous rather than injurious, and it was on that ground that he approved of the clause. There was an immense surplus of labour and capital in this country seeking employment, and why should not both be led into our colonies? There was no project which could be mentioned with a chance of profit but many persons were ready to take it up. There was with our redundancy of capital distress among the labourers, and how could both be provided for, unless by emigration? He saw no reason to relax their endeavours to better the condition of the labouring poor of this country because the Irish labouring poor might, also, be benefited by it. They had no right to restrain the Irish labourers from coming to this country in quest of employment; and if they wished to put a stop to the emigration of Irish into England, they could only do so by adopting measures that would ensure them employment at home.

Mr. *Denison*, in supporting the clause, mentioned the following case, in illustration of the advantages of emigration. A parish being overwhelmed with the amount of its poor-rate, induced by a surplus population, sent seventy labourers out to Canada, provided with tools and some money, the expense being defrayed half by voluntary contributions, and half out of the poor-rate. The result had been most advantageous to all parties; the labourers had got constant employment at 4*s.* 5*s.* and 6*s.* a-day; and were, in every way, so satisfied, that they had sent home for their friends to join them. The parish had reason to be satisfied; for the poor-rates had been considerably diminished, and the labouring part of the parish who stayed at home had reason to be satisfied, for they all got work.

Mr. *Grote* hoped, that the hon. member for Wolverhampton would withdraw his Amendment. In his opinion, no possible mischief could arise from the clause as it stood. He would go further. He was fully persuaded that the effect of the clause would be most highly beneficial to all parties. He was perfectly astonished how any one could interpret it into a sentence of transportation. The clause did not contain a word which, as it appeared to him, could be legitimately twisted into an intention of forcing any one to emigrate. All it said was, that if any person, wishing to better himself in another country, chose to emigrate, Government would facilitate his transmission to that country.

Mr. *Slaney* defended the clause. He did not think there was any particular danger to be apprehended from the influx of Irish labourers, as there was no redundancy of population in the counties nearest to Ireland, while there was a redundancy in the southern counties of England.

Mr. *Cartwright* supported the clause; and mentioned a case in his own neighbourhood, where, out of a parish containing eight hundred persons, one hundred had emigrated to Upper Canada, with the advantageous result to themselves of plenty of well-paid labour; and to those who remained behind of considerably diminished poor-rates and ample employment.

Mr. *Benett* would not concede that there was any surplus population. The dreadful distress which pervaded the country was attributable to nothing of the sort. The whole and sole cause of that distress consisted in the overwhelming embargo which was laid upon the industry and capital of the country connected with land, in the shape of enormous taxation. Human labour was the wealth of the country, and the more we sent abroad, the more we must really impoverish the country. The meanest beast we had—an ass for instance—was worth 15*s.*; but a child was considered a nuisance, and, according to some of our political economists, it would be a good thing if, without a violation of all the laws of humanity, we could put a thousand children to death at a time. Now he held a child to be a more valuable animal than an ass, and was for keeping our people at home. When a people became so numerous as not to be able to find subsistence at home, it was natural to look to foreign lands for their support; but we were not arrived at that state yet, as there was much land in England better, perhaps, than that which the people went abroad to cultivate, for them to be employed upon. It was, he repeated the embargo laid upon the land in the shape of taxation that rendered the employment of labour unprofitable in this country, and he wondered that the political economists in that House, who must be acquainted with the fact, had not once mentioned it.

Mr. *Hume* was surprised at the assertion of the hon. Member; for he had himself complained of taxation as one of the main sources of the evils of the country till he was almost tired. It had, however, nothing to do with the question now before the House. He approved of the motion of the hon. member for Wolverhampton, because it involved the principles he much wished to see established, viz.—a parliamentary authority given to the proper mode of selling Crown-lands, and the appropriation of the produce to purposes advantageous to the colonists themselves. They had the testimony of the hon. member for Northamptonshire and the hon. member for Surrey in favour of the advantages which were to be derived from relieving parishes of their surplus population; and it could not be doubted, that if the plan they had described had been generally followed, all the parishes in the country would have been in the same enviable situation as those which those hon. Members had alluded to. He was satisfied they ought to give every encouragement to emigration, particularly when he saw the manner in which it was opposed by the hon. member for Oldham. Joined with a reform of the Poor-laws, nothing could be more advantageous to the country. At the same time he should look with jealousy at any plan by which parishes could be led to mortgage their future incomes for the purpose of forwarding emigration; and this was the reason why he had felt disinclined to the wholesale plan of compulsory emigration proposed by a right hon. friend of his now at Ceylon. The Motion of the hon. member for Wolverhampton only aimed at a permissive emigration, but accompanied by encouragement, from the appropriation of the money received from the sale of land in the colonies. He saw no reason, however, why the advantages held out by the Motion should not be extended to artizans as well as agricultural labourers, and he hoped the Government, in adopting the principle of encouragement it contained, would not draw so unjust a line of distinction between the different classes of the country; but would give every man who could not find employment, whether artizan or agriculturist, the same advantages. He regretted very much, that the association which had been formed for the purpose of carrying into effect a system of emigration to Australia, and to which allusion had been made, had not yet been able to get into operation. If it had been at work a year ago, and its principles had been carried into full effect, other similar associations would have been formed, which would speedily have carried off all that part of our population which could not find profitable employment in England. The hon. member for Wilts had said, that labourers formed the wealth and strength of the country, and so they did as long as there was profitable employment for them; but the moment they became unable to support themselves, that moment they became a burthen upon the industry of others, and were a source of weakness instead of a source of strength.

Major *Handley* warned the Government, and the Gentlemen connected with the landed interest, against a measure which they were told, was to have the same effect as letting the people have cheap corn from abroad. It would be as great an injury to the landed interest for the people, who ought to stop at home and eat the corn grown in this country, to go abroad and carry their capital with them, to grow food for themselves abroad, as it would be to let foreign corn come into the country. He hoped the Government would be upon its guard. Certainly the quarter from which the proposition came—he could not forget, that the hon. member for Wolverhampton was the great champion of the anti-Corn-law system—and the persons who supported it, were enough to make the gentlemen connected with land regard it with suspicion. He should, however, reserve what he had further to say upon the subject till the Motion was regularly before them, as he presumed the hon. Member would withdraw his Motion.

Mr. *Ewart* said, that, in consequence of a petition which had been intrusted to him, and of the prayer of that petition, he would offer a suggestion to the right hon. Secretary for the Colonies. The petition he referred to emanated from a body of Scottish emigrants, who came for embarkation to the port of Liverpool, and who found themselves deceived respecting the vessel in which they were to embark. They prayed, that some superintending authority or tribunal might be appointed in the out-ports, for the purpose of giving assistance and information to persons about to emigrate.

Mr. *Whitmore* said, that, after the ample discussion which the subject had undergone, he certainly should not press his Amendment to a division.

Mr. *Cobbett* was greatly surprised to hear an hon. Member attribute the surplus population to the Poor-laws. There were no Poor-laws in Ireland; and would any man say, that there was no surplus population in that country? He could not but disapprove of the system of sending some of the best part of the agricultural labourers out of the country when the land was not half cultivated at home.

Lord *Sandon* was glad his hon. friend had withdrawn his Amendment. He looked upon the next Amendment which had been proposed by the hon. member for Kent, as one of great importance. For his own part, he did not think that any system of Poor-laws would prevent the influx of Irish labourers into this country. He meant, any system that was based on the principle for which Poor-laws were first established—namely, to support the sick, the aged, and the infirm. It was for this class alone that the Poor-laws were originally and properly designed. He confessed he was favourable to removing from this country those paupers who were a burthen to it, while they were themselves suffering the utmost want, and placing them in some of our colonial settlements, where they might enjoy comparative comfort. He should support the clause as it stood in the Bill.

Mr. *Peter* said, the improper subdivision of land in Ireland, had the same effect on the Poor-laws of England, in increasing the number of labourers.

Mr. *O'Connell* said, that those who talked so much about the causes of the surplus population, as it was called, of Ireland, evidently knew nothing whatever about the real state of that country. Why, it was notorious, that more than one half of the land in Ireland was out of cultivation, and yet people talked of a surplus population. The apparent surplus population, for it was nothing else, and the bad consequences that followed, proceeded solely from the long-continued misgovernment and misrule under which that country laboured, and he was sorry to see that the present Government seemed as fresh to continue that misrule as if it had never been tried; but, thanks be to God, they would fail of success in this as in everything else.

Mr. *Hodges* admitted, that in his own parish great benefit had resulted from emigration; but he had gone a particular way to work, and if every parish were to do the same, he should not object to the measure. He found out the number of men wanted to bring the land into the highest state of cultivation of which it was susceptible, and then he offered emigration to a certain number, who with their families accepted the offer, and went to the United States, and the rest were taken into employment. Wages rose in consequence, and those who went out were perfectly satisfied with their condition. But it was difficult to balance the demand and supply at all seasons of the year. He should press his Motion to a division, as he felt that it was a proposition which was but fair to all parties. The English labourer should have a clear field, and he then wanted no favour.

Mr. *Poulett Scrope* could not vote for the Motion of the hon. member for Kent. He had himself a notice of motion on the book, that no able-bodied pauper should be compelled to lodge in a workhouse, unless he refused the offer of emigration free of expense. Though he was friendly to the introduction of Poor-laws into Ireland, he could not vote for the amendment with his Motion undisposed of.

The Committee divided on Mr. Hodges Amendment: Ayes 20; Noes 139—Majority 119.

The clause was agreed to.

List of the Ayes.

Attwood, T.
Beauclerk, Major
Bellew, R. M.
Blackstone, T. W.
Brocklehurst, R.
Cobbett, W.
Gully, J.
Hodges, T.
Jacob, E.
James, W.
Kennedy, J.
Parker, Sir H.
Richards, J.
Rider, T.
Ruthven, E.
Scholefield, J.
Talbot, C. R.
Tower, J.
Vigors, N. A.
Walter, J.
Williams, Colonel

On clause 62, which related to the mode of acquiring settlements, being read,

Lord *Althorp* said, that he was aware it would scarcely be possible to propose any mode by which settlements in parishes were to be acquired, that might not be found liable to some objection. He was desirous, however, of reducing the grounds for such objections to as narrow a compass as possible, and not wishing, therefore, to embarrass the present Bill by the several clauses that related to this subject, he should propose certain alterations which he thought would have the effect of simplifying this part of the measure. He intended to propose, that all settlement by service and apprenticeship should for the future be abolished, but not meaning to interfere with any apprenticeship already in progress and that should be completed. Removing these two grounds of settlement would, he thought, in a great degree, do away with all obstruction to free labour. There would still, no doubt, be left some grounds for litigation, but this it would not be possible to avoid in any system that could be devised. There was another mode of settlement in which he also proposed to make an alteration. He meant that of occupying a tenement. He intended to propose that no such tenement should entitle the occupier to a settlement, unless it was rated for a year previously at least. Without proposing any amendment, he would effect the object he had in view by moving that clauses 62, 63, 64, and 65, be omitted altogether, and that in clause 66 the words should be introduced "that from and after the passing of this Bill no settlement should be acquired by service or by apprenticeship."

Lord *Granville Somerset* said, he should not now go into a discussion of the subject, involved in the clauses that had been withdrawn. He should only say, that he was very glad the noble Lord had withdrawn those clauses, because they were calculated to do much mischief. He wished only to ask the noble Lord two questions. First, whether in the settlement that was to be acquired by holding a tenement, the value of the tenement itself was to be taken into account, or was it only the rate that was paid on it? Would the payment of 1*l.* give a settlement, whatever might be the value of the tenement? His second question was, whether the noble Lord meant that the alteration he proposed, was not intended to disturb the right of any persons who were at present serving their apprenticeship? The alterations proposed by the noble Lord seemed to be of considerable importance, and, as it was very necessary that they should be fully and clearly understood, he thought it would be well if they were printed, in order that Members might have an opportunity of fairly considering them.

Lord *Althorp* intended to propose, that all tenements from which settlements were to be derived, should be rated at least at 10*l.* There was a clause which an hon. Member intended to propose, to the effect that the landlord should pay all rates on tenements up to 10*l.* He should wish to see how this clause was disposed of, for if it should be carried, it would make some difference in the alterations he proposed. It certainly was not his intention to interfere with any rights that might belong to those who were now bound, and who might complete their apprenticeships. With respect to printing the alterations, he thought that quite unnecessary, as they were so very simple, there could be no difficulty in understanding them.

Clauses 62, 63, 64, and 65, were struck out.

Clause 66 with the Amendment proposed by Lord Althorp, was ordered to stand part of the Bill; as were clauses 67 and 68.

House resumed, the Committee to sit again

HOUSE OF LORDS,

Tuesday, June 17, 1834.

MINUTES.] Petitions presented. By the Earl of ABERDEEN, from Belhelvie, for a Better System of Church Patronage in Scotland; and from two Places, for Protection to the Church of Scotland.—By Lord TEYNHAM, from Dundalk, for an Inquiry into the necessity of Establishing a Harbour at that Port.—By the Bishop of EXETER, from two Places, against the Sale of Beer Act.—By the Duke of WELLINGTON and Lord TENTERDEN, from several Places,—against the Claims of the Dissenters.—By the Marquess CAMDEN, from five Places, against the Admission of Dissenters to the Universities.—By the Duke of WELLINGTON, Marquess CAMDEN, and the Earl of WINCHILSEA, for Protection to the Established Church, and against the Claims of the Dissenters.—By the same, Lord ROLLE, and the Bishops of CARLISLE, St. ASAPH, and EXETER,—against the Separation of Church and State.—By the Earl of DURHAM, from Brechin, in favour of the Separation of Church and State; from Uxbridge, for a Reform of the Church Establishment.—By the Duke of RICHMOND, from Hampstead, for renewing and extending the Labour Rate Act.—By the Earl of DURHAM, from Newcastle-upon-Tyne, for the Repeal of the Stamp Duties on Receipts; from three Dissenting Congregations, for Relief to the Dissenters.—By the Earl of RADNOR, from Dawley, against Altering the Sale of Beer Act; and from some Individuals, for Reforming the Ecclesiastical Laws.

THE RIBAND TRADE.] Viscount *Strangford* said, that the petitions which he was about to present were so very numerously signed, described with so much force and truth the unmerited sufferings of a large portion of the community, and involved considerations of such vast national importance, that he could not content himself with the mere routine process of moving that they should be read at their Lordships' Table, only to be swept away the next moment into the bag which lay beneath it. He thought, that much more was due to the petitioners, and to the unfortunate condition in which they were placed; and it was his intention, so soon as the House should have permitted them to be read, to move that they be referred to a Select Committee, for the purpose of determining what degree of relief could be afforded in the matters of which they complained. The petitions were from the city of Coventry, and from a number of places and districts connected with it, and, like Coventry, mainly dependant on the riband trade for support. They complained of the great and intolerable distress into which that trade had fallen, and they attributed it to the overwhelming importation, legal and illegal, of French ribands into the British dominions. The petitioners believed, that the only remedy to this evil was prohibition, and they maintained, that they had peculiar and distinct claims to that remedy, altogether different from those possessed by other branches of trade. The case of the silk trade in general, was submitted in 1832 to a Committee of the House of Commons; a boon, if such it might be called, for which that trade was indebted to the persevering efforts and to the talents and research displayed by a noble Earl, the member for Cheshire, who brought to the examination of the question a degree of ability which it would indeed be well for those petitioners if their humble advocate this night possessed. The labours of the Committee produced one of the largest volumes of printed evidence that ever yet was laid on the Table of Parliament. But no Report was founded on that vast mass of evidence, no recommendation nor result whatever came from it, nor benefit to any one but the printer who was paid for it. He could assert, that he had gone through the contents of that bulky volume, and he did not hesitate to aver, that four-fifths of it were as strongly in favour of actual prohibition (at least so far as the riband trade was concerned) as it was possible for human testimony to be. He stated this fact in justification of what would, he feared, appear to some of their Lordships the unreasonable exorbitance of the request made in some of those petitions. Although the whole of the silk-manufacturers of Great Britain had suffered in a greater or less degree by the overwhelming inundation of French silk goods, still, if any one branch of it had been more deeply and vitally injured than another, it had been the manufacture of the superior sorts of ribands. The description of ribands that now was, and had for years been, most in vogue, was what was called fancy gauze. In the value of that article, there was but a very small proportion of silk, and a very great proportion of labour, 41½ per cent, he believed, on the total value, and, therefore, was a most improperly-selected subject for experiment. In the fabrication of these ribands, the French had several great advantages over us—cheapness of labour, better material, (which they took good care to keep to themselves), and, above all, the privilege and the priority of prescribing the fashion, the consequence of all which was, that by far the greatest part of the gauze ribands used in this country was imported from France. The town of St. Etienne, where they were principally made, was rapidly increasing in size and prosperity. Above 500 looms were annually added to those previously in operation, while, on the other hand, Coventry and its dependencies were reduced to the very lowest ebb of distress. The French silk trade, too, had one great advantage over the English in possessing a copious supply of native silk, the exportation of which from France was strictly prohibited until lately, when, in consequence of the just representations made by the trade here of the unfairness of letting French goods come to England, while the raw silk of that country was not allowed to be exported, the prohibition as to raw silk was rescinded; but, at the same time, an export duty of 7½ per cent was put upon it. This permission to export raw silk had been greatly vaunted in another place, as having removed one of the principal complaints of our manufacturers, and a sort of *Io Pæan* had been sung or said for the concession thus obtained, But the fact was, that the prohibition to export the raw material was not the principal complaint, nor anything like the principal complaint, of our manufacturers. What they principally complained of was, the want of due protection against the multiplied advantages which the French possessed over us, one of the least of which, in point of value, though certainly the most unfair in point of principle, was the monopoly of the raw material. The importance of this monopoly to France, and its disadvantage to us, was a mere question of relative price. It secured to her manufacturers, the raw material at a lower rate than that at which we could obtain it; and as a question of relative price, it remained still under this export duty of 7½ per cent; so that, in the purchase of materials with which to begin the manufacture of an article wherein the French were asserted to have taste and ingenuity so far superior to us, there was also a very important preference over us in price secured to them at the very outset. And here he would beg leave to remark, that our own conduct to France in reference to the supply of the raw material was very different indeed. Their manufacturers resorted here for China and Bengal raw silks, which they obtained in England, on precisely the same terms as the English manufacturer; nor had any attempt been made to restrain their access to our market. It had been said, that this permission for the exportation of raw silk from France to this country, was the result of a strong and friendly feeling towards England which had sprung up there, and which had been manifested by a petition from the French manufacturers to the Chamber of Deputies, praying that the exportation might be allowed. But what was the fact? The exportation so permitted was not the result of this supposed friendly feeling. It was the result of nothing else (Dr. Bowring was his witness) than of an apprehension, lest an injustice so monstrous should force us again to put our own old prohibitory system in force. It would show, however, how little there was in France of a real desire to deal liberally with this country; it would prove how attentive the French Government was, to secure every possible advantage to its own subjects, when it was stated, that although there had been this great and magnanimous display of liberality in letting out the raw silk of France burthened with a duty which still made it come higher to the English than to the French manufacturer, yet that, in the case of the peculiar material necessary for the fabrication of gauzes and gauze riband (which material was called *marabout,* and which exceeded the sort in use in England much more than the French raw silk exceeded the raw silk which we had, and without which material these gauzes never could be made as good as theirs), the prohibition was still most rigidly enforced. So, in addition to cheapness of labour, the lead and priority of fashion, and their acknowledged or supposed superior skill and aptitude, the French were to have also an exclusive monopoly of the only material out of which the article could be fabricated. And yet we talked of competition, and called for bricks when straw wherewith to make them was denied. Competition indeed! Of the impossibility of anything like fair competition between the English and French riband manufacturers, Dr. Bowring was again his witness? Hear what Dr. Bowring said in the printed evidence before the House of Commons:—'Do you mean 'to say, that they are ribands and fine 'fancy goods?—No, I do not believe, that 'England can at all compete with France 'in ribands and fancy goods. I stated, as a 'general principle, that where taste and 'beauty form a considerable part of the 'cost of production, there is no present and 'immediate chance of competition.' And again, 'I have again to state, that the 'export of English goods to France consists 'principally of low goods. I must repeat 'in the strongest terms my conviction, 'that where competition is to be feared is 'precisely where taste forms a very con'siderable component part of the produc'tion, and that the taste in France is, by 'universal acknowledgment, much more 'advanced than that of England.' But there were other and stronger reasons for the impossibility of equal competition ; and it was no less truly than pathetically stated in one of those petitions (that from the Foleshill weavers) that, bowed down to the earth by the pressure of increasing and intolerable misery, all their thoughts occupied in devising the means of procuring a morsel of bread for their perishing families, "they had little energy and spirits to devote to anticipating the caprices of fashion, or to the cultivation of taste and invention." In looking over this vast mass of evidence, nothing had struck him more forcibly than the contrast between the systematic protection and support given by the French government to their own artizans, and that afforded to those of Great Britain by his Majesty's Ministers. He thought, that the difference was in no point more plainly shown than in the disregard which had been manifested towards the adoption of any one of the safe and ingenious plans for the suppression of smuggling in foreign silks which were suggested in the evidence before the House of Commons. They involved no inconvenience, no expense, no unnecessary restriction upon trade, and yet not one of them had ever been tried. The experiment was surely worth trying. But, then, it would have benefitted the English manufacturer, and have excited complaint and remonstrance in a quarter where remonstrance, he feared, sometimes partook of the nature of command. He could tell the noble Lord what the British silk trade thought of this indifference to their interests on a most essential point. They thought that it was the fixed design of the Board of Trade to drive them to consent to a favourite scheme of that Board, namely, a still further reduction of the duties on imported silk goods. They were confirmed in this opinion by the evidence of one of the Secretaries of the Board of Trade himself (Mr. Deacon Hume), who actually argued against too much strictness in the detection of smuggling, lest the French should be provoked to retaliate. But, above all, they were confirmed in this opinion by the extraordinary, he would say the illegal, favour shown to the French by passing "figured" silk goods through our Custom House as "plain." The schedule of duties fixed a duty of 11*s.* per lb. on "plain" and 15*s.* on "figured" silks. It was discovered some months ago, that very large quantities of figured goods passed as plain on the payment of the lower duty; and it appeared, that this had been done in consequence of representations from the importers to the Board of Customs, that the goods in question, though apparently "figured," were in reality made in "plain looms," the fact being, that they were really and undeniably "figured," and that the representation was false and fraudulent, to save 4*s.* in the pound weight on the duty. Upon the silk-manufacturers complaining to the Board of Customs of this infraction of the law, and upon full proof being given of the fraud which had been practised, an order was immediately issued that such goods should in future pay the whole duty chargeable upon figured silks. This order was acted upon for several months, and under it the full legal duty was collected. To the astonishment, however, of the silk-manufacturers they had since learned that the Commissioners of Customs received instructions a few weeks ago from the Treasury, founded on representations from the Board of Trade, to rescind their order for the enforcement of the legal duty on figured silks. And the Board had given instructions to its officers accordingly. It was pretended that considerable doubts arose as to whether certain goods were plain or figured. No doubt, however, need be entertained, as persons well and practically acquainted with the subject could testify, that the distinction was clear and certain. But when the Board of Trade had the matter under consideration they consulted, as he was credibly informed, not with the manufacturers, but with the importers; not with the parties receiving, but with the parties inflicting, injury. The French government too had remonstrated, and had given to ours their disinterested and trustworthy testimony that the goods were plain. So the French construction of an English Act of Parliament prevailed; the English manufacturers were not consulted, the importers were; and the interests of the former were sacrificed to advance the profits of the latter. The silk trade, at least all those connected with it with whom he had conversed on the subject (and he had spoken with many of every sort and description of party and political feeling), the silk trade declared, that in addition to this general indisposition to consult their interests, and this covert desire to force, by some means or other, a further reduction of that scanty and grudging protection which they still possessed, there were two great grievances of which they had reason to complain. The first was, that the amount of protection (he was speaking of the broad silk trade) granted to them by Parliament was arbitrarily diminished by the Board of Trade directing, that less than the legal duty should be taken. The second, which applied mainly to the riband-weavers, was, that, although every facility was given to the French in bringing their goods into this market, and that the ruin of thousands of industrious families was the consequence, still they denied to us the very material out of which alone ribands as good as theirs could be manufactured. What a contrast did all this present! On the one hand, there was the French government keenly and sensitively alive to every the smallest circumstance that could benefit or injure or in any way affect their people; while, on the other, that of England, witnessing coldly and calmly the misery and desolation created by the almost total transfer of the Coventry trade to France, exposed themselves to the imputation—he would go no further—to the imputation, at least, of having, in the pursuit of a favourite theory, contrived to throw every little additional advantage in the way of the French, and every impediment and disadvantage in that of the British manufacturers. Of the result of this course of conduct, as far as France was concerned, the official document which he was about to produce to the House would speak volumes. It was a comparative statement of the value and weight of French silk goods admitted into the port of London only during the first four months of 1833 and 1834:—

Imports of Foreign Silk Goods into the Port of London the first Four Months of 1833 and of 1834.

January...	By value......	£7,173 ...	£32,644
	By weight....	lbs. 649 ...	lbs. 564
February..	By value......	£13,871 ...	£54,706
	By weight....	lbs. 24 ...	lbs. 967
March	By value......	£49,101 ...	£90,579
	By weight....	lbs. 341 ...	lbs. 2,184
April	By value......	£40,107 ...	£41,042
	By weight....	lbs. 928 ...	lbs. 1,771
Total....	By value......	£110,252 ...	£218,971
	By weight....	lbs. 1,942 ...	lbs. 5,486

After this palpable demonstration of French prosperity, at our expense, could we wonder that our own artizans were starving, and that they were discontented with the land they lived in, and with those who governed it? And this led him to the most painful part of the subject, the misery and wretchedness of the various towns and districts from which these petitions proceeded. He had no local knowledge of these places—he was unacquainted with any one individual there—he had never been there in his life—he could not, therefore, speak from his own knowledge; but he had endeavoured to collect the best information he could; and he would proceed to lay it before the House in the shape of sundry letters which he had received during the last month from clergymen and Magistrates residing in the places in question. [The noble Lord here read to the House a number of letters from Coventry and the parishes in its immediate neighbourhood, giving a description of great distress in those places.] These were, indeed, most frightful pictures. He would ask noble Lords whether they really thought, that such a state of things, morally and politically, could long endure? If they did, he could only say, that they had formed a larger estimate of the powers of human patience than he was prepared to make. And for whom, or for what, had these vast sacrifices of human happiness been made? The question of *cui bono* forced itself on every man's mind. If, indeed, it could be shown that, out of the ruins of Coventry, other cities and towns were likely to rise into eminence and prosperity—if other parts and places of the empire were to be made richer or happier by her passing away from the map of England—it might then become their duty, however painful and severe, to leave her to her fate, and to make no efforts to save her. But, in the case before them, it was not a portion of their own fellow-subjects whom they were called upon to sacrifice for the sake of bettering the condition of the remainder. The only party which could, by any possibility, be benefited neither belonged nor were connected with us; and he could not understand why, he would not say Coventry, but the meanest village in the empire, should be doomed to destruction, merely that a French town should rise triumphantly on its ruins. This might be called illiberality; but he was no professor of that liberalism which would take the very life-blood of tens of thousands of our industrious population at home to pamper the prosperity of competitors and rivals abroad. Were noble Lords able to show that, in any one point, the experiment which had led to this state of things had succeeded? For, be it remembered, that it was originally tried only as an experiment, as Mr. Huskisson's letter to his constituents proved. Were they able to demonstrate, that a greater amount of advantage had arisen to the empire at large than the amount of evil and of suffering which had been inflicted on the trade whose existence he was endeavouring to defend? If the experiment had succeeded, let it be pushed to its utmost verge and limit—let all other places share in the blessings which free trade had procured to Coventry. There was no reason why one trade should be protected and another left to destruction. If the principle were worth anything, what was good for one was good for all. But he suspected, that Ministers would pause before they ventured to apply this principle to Birmingham and Manchester in the same fatal extent as that in which it had been applied to Coventry. He suspected, too, that he well knew why they would so pause. If, on the other hand, the principle were false and erroneous, let it not be said, that it was too late for Ministers to retrace the error of their ways. He did hope, that they would yet be spared by a merciful Providence, to see and to repent of many of them. Experience should be worth something in matters of legislation. He knew of instances where a very little experience had gone a great way indeed. The brief experience of three days and three nights was sufficient to convince another assembly of the danger which would overtake the empire, and, above all, its Ministers, if the reduction of the Malt-duties were persisted in. A similar space of time sufficed to show the same intelligent body, that it was neither very wise nor very safe to make the Judges of the land the victims of party persecution and individual rancour and malevolence. He thought, therefore, that the experience of nearly thrice as many years as there had been days and nights devoted to reflection on those two memorable occasions would amply justify Ministers in reconsidering and modifying a system which had hitherto had no other result than that of spreading distress and ruin where comfort and industry had prevailed. He remembered, that a few weeks before, the noble Earl at the head of the Government was sorely displeased because he had said, that we had derived no benefit whatever from what was affectionately termed our intimate connection with France, for which we had not been obliged to pay dearly, either in the shape of national honour or of national interest. The noble Earl, in a tone of virtuous and lofty indignation, then dared him to his proofs. He now gave them to him. They were embodied in those petitions, unless, indeed, the noble Earl was disposed to contend, that the condemnation of thousands of English families to pauperism and the workhouse was an augmentation of national honour, or the annihilation or transfer into foreign and hostile hands of one of our most valuable home manufactories was an advancement of national interest. The noble Viscount concluded by presenting petitions from the inhabitants of Foleshill, in the county of Warwick; from the Magistrates, Clergy, and Gentlemen residing in the county of Warwick; from the inhabitants of Bulkington and Nuneaton; from the master manufacturers of Coventry; and from the weavers of Coventry and Bidworth—all complaining of the depressed state of the riband trade, and praying the House to take measures for its protection. After the petitions (eleven in number) had been read and received, the noble Lord moved, that they be referred to a Select Committee of their Lordships' House.

Lord *Auckland* opposed the Motion. In common with the rest of his Majesty's Ministers, he felt deep regret at the sufferings of the petitioners, the details of which he believed were not exaggerated, and that regret was in no slight degree exaggerated by the conviction, that it was not possible by any legislative interference to remove the evil of which they complained. The petitions demanded that an entire change should be made in the commercial policy of the country; but it should be recollected, that the Coventry trade, which was that to which the petitioners belonged, was only one branch of the silk trade, and, such being the case, he put it to the House, whether it would not be most unfair to accede to the demands of the petitioners by entirely changing the commercial policy between Great Britain and France. But, putting that consideration out of view, he was prepared to contend, that the distress of which the petitioners complained was not occasioned by any defect in the commercial system of the country which a change in its policy would remedy. It was attributable entirely to the existing high price of the raw material, and the state of the money market. The noble Lord charged the Government with indifference, not only to the sufferings of the petitioners, but to the enforcing the due execution of the laws regarding the importation of foreign silk; but he could assure their Lordships, that in neither respect was the charge capable of being substantiated. The noble Viscount had also thrown blame on the Government for not attempting to adopt any of the suggestions thrown out by the trade for the removal of those causes of complaint which the petitioners urged upon the attention of the House. He was able, however, to assure the House, that every attention had been paid by the Board of Customs to those suggestions; that two or three experiments had been made in consequence of them; and, in short, that, as far as the Government was concerned, no inattention whatever was chargeable. The experiments, however, had proved that the suggestions were not likely to effect the object had in view by those who offered them, and consequently they had not been acted upon. The best course, perhaps, to be adopted to meet the case of the petitioners, would be to revise the old rate of duties; but he had seen so much danger and alarm to the trade originate in sudden alteration in the scale of duties, that he would rather bear the inequality complained of in the present scale than hastily propose a change. For nearly a similar reason, namely, the excitement likely to be caused in the general trade by the appointment of a Select Committee of their Lordships, and the danger of exciting expectations which it would be impossible to realize, he felt called upon to oppose the Motion of the noble Viscount.

The Duke of *Wellington* thought it was much to be regretted, that the petitioners should rely on a prohibitory system as likely to remedy the evils of which they complained, and if it was only to prove to them the general inconvenience to the commercial system of the country, as well as the injury to their own individual interests, that would inevitably arise from the enactment of such protection, he was sorry the noble Baron could not think himself justified in granting the inquiry moved for. The noble Baron's statement he looked upon as satisfactory in many respects, but he felt bound to say, the noble Baron failed in satisfying his mind that the protecting duties might not be increased with advantage to the British silk-manufacturers. They had heard a great deal of free trade in other countries, but, in his opinion, there was no such thing as free trade at all. The object of every country, in the arrangement of its commercial system, was the very laudable one of protecting its peculiar manufactures, and, in his opinion, it was the duty of Government to watch the progress of those manufactures, and so to alter the rate of duties from time to time, as to give protection to the manufacturers. He must say he thought foreign silk-manufacturers did enjoy advantages which were not enjoyed by those of Great Britain, and he should therefore be favourable to such an increase of duty on foreign silk, as to give a chance to the home manufacturer. He believed that such an increase would be recommended by the Committee now moved for, and on that ground, and because by granting it, the minds of the petitioners would be satisfied that their case was attended to, he regretted that the noble Lord announced his intention of opposing it. He wished, at all events, the noble Lord had given his consent to enter upon the inquiry, so far as to ascertain whether, by any alteration in the existing scale of duties, it would be possible to give a greater protection to the British manufactures.

Viscount *Strangford*, as other business was about to come on, would not take up the time of the House with many observations. He felt assured, that with respect to the details contained in the noble Lord's speech, he should have no difficulty in answering them in the Committee, if one should be granted. He would only say, that with regard to the superior machinery employed by the French, similar machinery had been in use at Coventry and elsewhere, and that it was now at a standstill. There was no use in recommending machinery unless they furnished employment for it. As to the proof of prosperity drawn from the increased price of the raw material here, he had to state that its price had increased in France in a still higher ratio than here; and yet the French manufacturers were thriving, while ours were in a state of progressive decay. The only approach to argument against the appointment of a Committee, which he had that night heard, was the one drawn from the probable shortness of the Session. The House of Commons, however, did not appear to think, that the termination of the

Session was so near at hand. Not four nights ago, they had granted a Committee to inquire into the complaints of the hand-loom weavers. He only asked from the House of Lords, on behalf of the silk riband weavers, that which the House of Commons had granted to the hand-loom weavers. He had always been told, that in this happy country there existed no wrong without a remedy. He thought that the documents which he had read to the House had proved a case of grievous wrong. He was content to leave the remedy in their Lordships' hands, more particularly in the hands of those who thought, as he did, that the question involved higher, because moral, considerations; that it was not a mere matter of pounds, shillings, and pence, but that it turned upon the principle, that the more widely they threw open the paths of honest industry to our population, the more effectually they closed the avenues which led to guilt and crime.

The Motion was negatived.

Warwick Borough.] Further evidence was heard on the Warwick Borough Bill.

The *Lord Chancellor* said, that common sense and common justice to the House and the country, dictated the propriety of bringing the case to a speedy termination. According as they were going on, it was hard to say whether it would be closed in 1836 or 1837, for they were already approaching 1835. After so many witnesses were examined, it could not be said that their Lordships intended to shut out the case. As he could not see the Counsel until Thursday, he hoped the parties would in the mean time ascertain what ought to be done to expedite the case. If the other eight witnesses were to be examined solely on the question of treating, which was practised, and he feared would be practised, at most elections, why, then, it was time to check that source of public expense, by preventing such evidence. He had no wish to shut out proof of treating. But then he wanted bribery, as necessary to lay the grounds of a decision. Treating without bribery would do no good. He and their Lordships heard the case very patiently and leniently. But if the Chief Justice were in his place he would deal with the parties differently. He wanted proof of bribery.

Further consideration adjourned.

HOUSE OF COMMONS,

Tuesday, June 17, 1834.

Minutes.] Petitions presented. By Mr. Brotherton, from Salford, against the County Coroners' Bill.—By Mr. Littleton, from Dundalk, for Quays, Docks, and other Buildings, to that Port; from Harborne, for equalizing County Rates.—By Mr. Charles Grant, from the East-India Company, for allowing the Importation of Sugar from the East at the same Rate of Duties as from the West Indies.—By Sir John Wrottesley, from Brewood, for a Clause in the Poor-Law Amendment Bill.—By Lord Jermyn, from several Places, against the Claims of the Dissenters.—By Mr. Ewart, from the Debtors in Lancaster Gaol, for the Abolition of Imprisonment for Debt.—By Sir Edward Knatchbull, from several Individuals, in favour of the Tithe Commutation Bill.—By Mr. Kemeys Tynte, from Yeovil, for Vote by Ballot; from the Creditors of the Tolls of the Wiveliscombe Turnpike, against the Lime Toll Exemption Bill.—By Mr. Walker, from Walmersley, against the Poor-Law Amendment Bill.—By Mr. Dunlop, from Kilmarnock, in favour of the Bankrupt-Laws (Scotland) Bill.—By Mr. Ferguson, from Kirkaldy, for relieving Royal Burghs from maintaining Prisoners sent from beyond their respective Boundaries; from the Linen Weavers of the same, for fixing a Standard of Wages.—By Mr. E. G. S. Stanley, Mr. Thicknesse, and Mr. Walker, from several Places, for improving the Practice in Lancaster Court of Common Pleas.—By Captain Yorke, from Landed Proprietors of Cambridge County, for Relief to the Agricultural Interest; from Swaffham Prior, for amending the Sale of Beer Act; from March, Isle of Ely, against Drunkenness.—By Mr. J. Smith, from Newport Pagnell, against the proposed Measure of Church Rates.—By Lord Robert Manners, Lord Grimston, Lord Brudenell, Lord Ashley, Lord E. Bruce, Lord Henniker, Sir Robert Inglis, Sir Edward Knatchbull, Sir John Tyrell, Sir John Walsh, Captain Yorke, Messrs. Bankes, R. Trevor, Herbert, J. Martin, W. Patten, and Hope, from a Number of Places,—against the Universities Admission Bill, against the Claims of the Dissenters, against the Separation of Church and State, and for Protection to the Established Church.

Admission of Dissenters to the Universities.] Mr. George Wood moved the Order of the Day for the second reading of this Bill.

Mr. *Goulburn* really felt himself compelled to take advantage of the opportunity which the present Motion on the Orders of the Day presented to him, in order to submit to the hon. Member whether he really could think it consistent with fair discussion to introduce the subject of the Universities' Admission Bill under the present circumstances of the House. For his part, when he considered the extraordinary nature of the subject, and the character of the Motion itself, he really could not bring himself to consider that the hon. Member had moved the Order of the Day with any other object in view than that of postponing his Motion to a future opportunity. He repeated, that he could not induce himself to believe that the hon. Member wished otherwise than that the question should be fairly and fully discussed, or that he would be a party to any arrangement which must preclude the possibility of a fair discussion of such a very important subject. If any intention had existed of pursuing the subject to a final discussion on this day, there ought not to have been any permission given to Committees to proceed on their business. He had himself to attend to a Committee on the tea-duties, in which there was under consideration an important point of discussion. Another Committee was at that moment sitting upon the salaries of Judges in Scotland, and the subject involved an important consideration, and it was desirable that hon. Members who were particularly interested in the administration of justice in that country should not be absent from the Committee. There were Committees sitting on the East-India trade, the Islington Market, upon Railroad Bills, and upon other subjects on which the Members of that House were particularly engaged. He (Mr. Goulburn) could not but think the present the best opportunity of stating his objection to the discussion of an important subject, when it was barely possible that any discussion could be entered upon with satisfaction. The hon. Members knew that, by the arrangements adopted with reference to morning sittings, they must terminate at a particular hour, and that a Gentleman must bring his arguments and his speeches within a limited time, whilst those who might think it necessary to answer one, and refute the other, must be interrupted in the body of his argument, and have his speech postponed for a considerable period. If the morning sittings were to be dedicated to the discharge of the ordinary business of the House, care ought to be taken that the business was of that character that it was a fair presumption that the question might be disposed of within the time allotted for debate. A most unfair impression might be made on the public mind, even with respect to facts, if discussions were allowed to proceed, when only a small part of the House could by any possibility be present. What experience had not the House had of the inconvenience of not following this rule. He would appeal to the noble Lord, the Chancellor of the Exchequer, himself upon the subject. The noble Lord had chosen the early sittings for the Committee on his Poor-laws' Amendment Bill, thinking that the insulated and unconnected points of the Bill could be brought to a termination within the limited sittings of two hours; and what had been the result? The noble Lord had not persevered on finding that even insulated questions could not be brought to a conclusion in one morning sitting. He had made no progress, and, notwithstanding this, the House was now called on to take into consideration on that morning one of the most important questions that could be brought forward. Let the House see how such a proceeding would work, By the regulations of that House, on three evenings every week the Government business had precedence of all other. On those three evenings, Gentlemen who conducted any public Bill could have no chance of getting through with their business. If the University Admission Bill were to be proceeded with upon that day, there would be an adjourned debate. On Thursday the question would take precedence of all others, and if it were not then concluded, it would likewise have precedence over all other subjects on Tuesday, so that on every Tuesday and every Thursday no other Gentleman could bring forward any question in the morning, whilst the priority of Government business would prevent them bringing forward anything in the evening. The House could not but recollect, that the discussion upon the University Petition had lasted a whole week, and that it would not then have terminated, but for the intervention of the holidays, which had in fact prevented the renewal of the subject. If the debate had then been upon a general principle, like the principle of the present Bill, did the hon. Gentleman imagine, that even the holydays would have terminated the discussion? On the lowest possible calculation, five days having been devoted to the Petition, it must be calculated that if they began the proposed discussion in the morning sitting of that day, the House would be occupied for many weeks in the discussion, to the prejudice of all other questions however important, if they were not, strictly speaking, Government measures. He (Mr. Goulburn) trusted, that this was a proposition to which the House would not give its assent. Let the House fix some day for the discussion of this question, upon which there could be a hope of bringing it at once to a termination.

Mr. *George Wood* was not aware on what ground it could be assumed that it was not his intention to persist in the Bill this morning. Had the right hon. Gentleman put the question in private, he should certainly have told him that it was his intention, and the time of the House might have been spared. It was not his fault that the question had not come earlier under the notice of the House. He gave notice early in the Session; the Bill was read a first time before the Easter holidays; and he had endeavoured unsuccessfully to bring the subject on on several previous occasions. If the argument of the right hon. Gentleman was to prevail, the House could never grapple with any question that might be supposed to occasion a debate that must necessarily be adjourned.

Sir *Robert Inglis* was not anxious to connect the Government with this measure, but he could not help thinking they were called upon by its great importance to devote one entire evening to its discussion. The present measure involved a question of principle, which ought to be discussed with as little interruption as possible.

Sir *Robert Peel* said, there was no limitation to the period devoted to the debate in the evening, and it was resumed on the next day, when the recollection of the House was fresh with regard to what had taken place on the preceding night. This, however, could not be the case with an adjourned debate from one morning to another. As an illustration of the inconvenience of devoting the morning sitting to business that must necessarily be adjourned, the House would recollect that the speech of an eminent and learned professor was sliced in two a few mornings ago, by the Speaker leaving the chair, and the remainder pronounced on a subsequent day. There were twelve Committees now sitting, six of which he (Sir Robert Peel) had that day to attend. He trusted the noble Lord would consider they were called on to determine on a question of the greatest importance. The morning sitting was understood to be devoted entirely to the reception of petitions, many hon. Members were intrusted with 50 or 100, and sought every opportunity to present them; if, therefore, the whole three hours were to be taken up with the discussion of most important measures, which made it incumbent on every Member to attend, one of the duties they owed to their constituents must be consequently neglected.

Lord *Althorp* said, that the only object he had in view in pressing forward the measures of Government was, that the public business might be despatched with as little delay as possible. If he gave up one of the Order-days, it would be a great injury to the public service.

Second reading postponed.

BATTLE OF NAVARINO.] Sir *Edward Codrington* said, that he had the best authority for believing, that the course which he proposed to pursue on this occasion was in strict accordance with Parliamentary practice. The Motion which he had to submit was, "That this House resolve itself into a Committee, for the purpose of examining into the propriety of an Address to his Majesty, humbly requesting, that he will be graciously pleased to take into his consideration the claims for pecuniary recompense of the officers, seamen, and royal marines engaged in the Battle of Navarino, on the 20th of October, 1827." He was sorry to be under the necessity of bringing this subject before the House in any shape, or of giving the House any trouble whatever about it. He was sorry that the Government had not felt it necessary to take up the subject, as he should much prefer leaving it in their hands. As they had not taken it up, he felt, that the duty devolved on him, and however disagreeable to his feelings to bring it forward, he would not shrink from it. Soon after the Battle of Navarino, he wrote to the Lord High Admiral, stating the great destruction of the men's clothes which took place in that action. He had never known of any action in which the loss was so great in that respect. He therefore felt it his duty to submit, that the officers and men were entitled to some compensation for their losses in that respect. The answer he received was, that it was difficult to establish such a precedent, as the practice was, of which the House was probably not aware, that all losses of this kind were made good to the army, but not to the navy. He was told, however, that he might memorialize the Lord High Admiral for head-money, as was done by Lord Exmouth, in the case of the attack on Algiers. He sent that memorial to Sir John Gore, who was sent out to the Mediterranean to make inquiries as to the origin of the action. Sir John Gore subsequently sent that memorial to the Admiralty, and he had reason to know, that it came to the hands of Sir George Cockburn, and Mr. Croker. It was some time before he returned to England, and when he applied at the Admiralty, over which Lord Melville then presided, he was surprised to find, that there was no record there of his memorial. He had declined to present a fresh one, and, after some delay, by the kindness of his Royal Highness the Lord High Admiral an official copy of that memorial which had been reserved for the Lord High Admiral was obtained, and he then presented that duplicate to the Admiralty. It was long before he received any answer to this, which answer stated, that it was not usual to grant head-money before a declaration of war. Surely it was not intended to quibble on the term. It mattered not whether the term used were head-money, compensation, or royal grant; the object being to reward the exertions and compensate the losses of the parties, it was unworthy of Government to defeat it by quibbling about a word. On receiving the answer referred to, he applied to the Lord High Admiral to learn how he should proceed, and having ascertained the feeling of that illustrious individual, he did proceed according to his directions. Shortly afterwards the Lord High Admiral became King, and he obtained an audience of his Majesty, when he received the royal commands to present a memorial to the King. The present Government declared, that they saw no reason to depart from the decision of their predecessors, though in fact they did depart from it, for they professed a readiness to give a compensation for their lost clothing, which their predecessors had refused. Subsequently he asked another audience of his Majesty, and under the royal command presented a memorial to the King in Council. In all these proceedings he had only acted in compliance with his Majesty's commands, which it was impossible for him to disobey. He had made it known to the fleet, that they could not get compensation for clothes, but that it was the wish of the Lord High Admiral, that he should be memorialized to give head-money, and he had pledged that illustrious individual's name to the parties interested, in proof that their claims would be attended to, and he now submitted, that such a pledge ought not to be violated, If any Gentleman opposed the present Motion, let it be understood, that he was not resisting the will of its immediate proposer, but of the illustrious personage under whose commands he (Sir Edw. Codrington) had acted from the beginning to the end of the transaction. If the Motion were negatived, his Majesty's wish would be defeated, and the Royal pledge would be rendered of no effect. It had been said. that head-money was only given in time of war, and, therefore, that it could not be claimed on the present occasion. Now, the fact was, head-money was allowed every day in the case of the capture of negro slaves, where there was no declaration of war, and why should not head-money be allowed for Greek slaves? In cases of piracy, head-money was also allowed. A gallant officer opposite had received a considerable sum (800*l.*) as his share. He (Sir Edw. Codrington) did not see why he who had been engaged with persons acting as pirates or still worse (for the object of the Turkish fleet was to exterminate a whole nation) should not stand in the same situation. He wished to put his own merits and claims quite out of the question; he hoped, however, that the noble Lord opposite would do him justice upon one point; the noble Lord was the person to call for certain information relative to the Battle of Navarino, and the opportunity was taken to make most unjust and shameful misrepresentations on the subject in that House. The hon. and gallant Member referred to the capture of Carabusa the principal hold of the pirates in the Levant, which he complained had not been gazetted, though it was of eminent service to our trade, in which the gallant Commodore (Staines) and officers engaged eminently distinguished themselves. The Cambrian frigate was lost, and the crew were deprived of everything; the people were also in the Battle of Navarino, and yet they had not received one farthing compensation for their losses at either place. He must complain too, that of the booty seized at Carabusa not a farthing went to the captors, the whole being claimed as droits of the Admiralty. He could not understand on what ground justice and adequate remuneration could be refused on this occasion, especially when it was considered, that they were never before refused under similar circumstances. The gallant Admiral referred to several instances in which head-money had been granted. It was allowed in the case of the action under Boscawen, in 1755. Admiral Byng obtained it in 1716. In 1804 it was given to Sir Graham Moore's squadron. In the case of the Russian ships it was allowed, and Lord Gambier received head-money for the capture of Copenhagen, although there was no declaration of war. At the time Murat was about to be deposed, the squadron sent by Lord Exmouth was allowed 100,000*l.* for taking possession of a fleet which was never actually in our possession, but immediately on its surrender was given to king Ferdinand. In the case of Algiers, Lord Exmouth was sent to negociate on the subject of slavery and other matters, and failing in negotiation he was authorised to use force. This case very closely resembled that of Navarino. He (Sir Edw. Codrington) was also ordered to negociate, and negotiation failing to use force. What was the distinction between the two cases? The pretence, that because Lord Exmouth recovered a certain sum belonging to Sardinia and Sicily, he was therefore entitled to receive 100,000*l.*, while the parties who fought at Navarino and relieved a whole people from robbery, murder, and slavery, were not to be remunerated. Such a pretence was absurd; there existed no foundation for the distinction sought to be established. It was a gross anomaly and injustice to treat the parties in the one case differently from the individuals who were concerned in the other. He was not actuated by personal or pecuniary motives in bringing this subject under the notice of the House. The pain, anxiety, and worry, that he had endured in prosecuting it hitherto, were such as no individual benefit to himself could compensate, and he would have willingly abandoned the attempt had not a sense of duty compelled him to persevere. When he expressed to his Majesty his desire that he might relinquish his own share of any compensation, the King would not permit such a step, observing, "You may be in a situation to relinquish it, but probably others will be differently circumstanced." In the case of Algiers the allowance to the fleet was not denominated "head-money," but "a royal grant;" and having since his original application asked for "a pecuniary gratuity," he hoped the expression "head-money," which he originally used, would not be relied on as shutting the persons who served at Navarino out from compensation on the ground that "head-money" could only be allowed after a declaration of war. There were other cases besides that of Algiers in which compensation in lieu of head-money had been granted. In the case of Admiral Byng's action the prizes were by royal grant made over to the captors, notwithstanding, that no declaration of war was made till a long time after. See the effect of allowing no gratuity except in time of war. Such a principle went directly to the encouragement of hostilities that might otherwise be avoided. Had he provoked a war after the Battle of Navarino there would have been no objection to allowing head-money. But he did all he could, and effectually, to put a stop to the continuance of hostilities. In that he admitted he was only acting on his instructions, but he conscientiously observed them, and succeeded in preventing a war. Government ought to consider whether it was not due to the King and to the fleet to make some compensation to the parties engaged in the Battle of Navarino for the losses they had sustained. Men now received nothing for wounds, unless they were pronounced to be entirely disabled for life. He knew an instance of a man who lost an eye, which used to count as the loss of a limb, who was not allowed a farthing; formerly the case was different, and compensation was given. A marine who had been disabled received 9*l.* the first year, 4*l.* the second, and nothing in the third. Now, a soldier who suffered in the same manner would have 1*s.* a-day for life. The result of this want of encouragement was extremely prejudicial to the navy. On board the Albion upon two occasions the men declared, that in future it would be necessary for them to make a bargain before a battle, if they were to be refused compensation afterwards. Having disclaimed any intention or desire to excite party or political feelings on the subject, the gallant Admiral said, that he might nevertheless be permitted to remark, that if the Government and policy of the country had not been changed, the question would never have been treated as it was, and not only a proper gratuity, but compensation for wounds would have been allowed. The hon. and gallant Member concluded by moving, in the terms before stated, that the House do resolve itself into a Committee on the subject.

Mr. *Labouchere* said, that he not only spoke for himself, but on the part of the Government, when he said, that it was impossible that the hon. and gallant Member could have been engaged more gracefully and honourably than in endeavouring to obtain for the gallant officers and seamen, with whom he had served, rights to which they considered themselves entitled. The hon. and gallant Member had brought forward his Motion in a manner to which not the slightest objection could be made, and he assured the gallant Officer that it was with sincere and unaffected regret, that he felt himself compelled, by a sense of duty, to oppose the Motion which he had made. In stating the reasons which actuated him in so doing, he should have occasion to trouble the House with some circumstances relative to the battle of Navarino, to which the gallant Officer had not alluded. He was sorry to be obliged to enter into the details, but considering the great importance of the subject, the honour of the country, and the merits of the gallant Officer, and the men who had fought under his orders, he was unable to avoid it. The hon. and gallant Officer had intimated, that there was a time when the present Government was disposed to admit the claim which he now brought forward; but he (Mr. Labouchere) was not aware that either the present or any former Government had stated their opinion that the circumstances under which the battle of Navarino took place, gave the officers and seamen who were then engaged, a title to head-money. There was a wide difference between head-money and gratuities. Head-money was a certain sum given in proportion to the number of the enemy, who had been engaged; but that money was given under a specific Act of Parliament, and it could not be bestowed unless a declaration of war had been made before the battle. Gratuities, on the other hand, had been given under particular circumstances—they had been given upon occasions where an action had taken place without a declaration of war having been previously made, or having been declared subsequent to the engagement. He would presently advert to those instances, and he thought he should be able to show a very material difference between these cases and the case of the battle of Navarino. As the hon. and gallant Officer had drawn a conclusion favourable to his own case, from a comparison between it and by-gone transactions, it was necessary to consider what were the circumstances under which the battle of Navarino took place. In the first place, he would read an extract from the instructions which had been given by the Government to the Admiral stationed at Greece at that time. The hon. Gentleman read the passage which directed the Admiral to interfere only as a conciliator, to establish an armistice, but to avoid every hostile attack. It was perfectly clear by that, that the English squadron was not to commence hostilities unless they were actually forced to do so by the Turkish fleet, and that the instructions confined the operations of the English squadron to intercepting any succours from Egypt and Africa reaching the fleet of the Sultan. If the succours in question resorted to violence, then the English squadron was to employ force. But he (Mr. Labouchere) did not find that in these instructions, or in any other document proceeding from the Government, there was the slightest direction given to enter the harbour of Navarino, or that the occurrence of hostilities was contemplated. He did not presume to say, that the gallant Admiral had exceeded the spirit of the intentions of the Government; but he thought it right and fitting at this part of the discussion, to call the attention of the House to the undeniable fact, that the collision which afterwards took place, was one that was not wished nor anticipated by the English Government, much less directed by them in the instructions which were given to the gallant Admiral. With regard to the action itself, he had never known any person who had a competent judgment of such affairs, who did not declare, that in the brilliant and unrivalled annals of the naval history of the British nation, there never was a more daring, gallant, and successful exploit — one that reflected more credit upon the bravery and gallant bearing of both officers and men—than the battle of Navarino. The hon. Member said, he must also bestow high praise on the resolute daring of the hon. and gallant Officer, who, in one single line-of-battle-ship, a frigate, and two corvettes, boldly intercepted the whole Turkish fleet as they were leaving Navarino for Patras, and succeeded in turning them back to their original position. But, however splendid the action was, and however admirable and unexampled the courage of the British sailors on that occasion, still it was impossible to declare that the action had taken place in conformity with the instructions from the Government. It could not be asserted, that that part of the instructions which directed the gallant Admiral to separate the allied fleet into three classes, for the purpose of watching the Morea, was consonant with the measure which the gallant Admiral afterwards determined upon — that of entering the harbour of Navarino, in order to keep the Turkish fleet in check. He did not pretend to insinuate anything unfavourable to the hon. and gallant Officer, or which could, in the slightest degree, detract from his merits, for he was well aware of the difficult circumstances under which he was placed when he came to that resolution, and of the contingencies which he feared; but what he did say was, that that proceeding was not contemplated by the Government in the instructions which they forwarded to him. In entering the harbour of Navarino, which was occupied by a fleet belonging, as was then considered, to a power friendly to England, no one could be surprised, that the collision was brought on by a mere accident, that it spread with rapidity, and terminated in a general action. He would read an extract from the despatches of the gallant Admiral, relating to that circumstance. The hon. Member then read the extract, to show that the origin of the engagement was accidental, and that the circumstances were not very clearly known. The hon. Member also referred to a speech made by Mr. Huskisson, then a Minister of the Crown, in a debate caused by a vote of thanks moved by Sir J. Hobhouse, to the gallant Member. Mr. Huskisson then said,—"The affair in which he had so eminently distinguished himself was not a battle between enemies, it was an accident—a misfortune which could not be foreseen, nor, perhaps, under the circumstances, avoided—it was an event which, in private life, would be styled a chance medley. He was convinced it would be so called in the verdict, if a Coroner's Jury could examine into the merits of it. But it did not follow, that because it was a chance-medley, there might not have been exhibited in it as much gallantry and skill as was ever exhibited by the bravest of men, in the noblest exploits of ancient or modern warfare."* The vote of thanks, he must observe, that was moved by Sir John Hobhouse, was not passed. Nothing, he could assure the House, was further from his mind, than to impute any dishonourable motives to the hon. and gallant Member; but he must call on the House to observe the origin of this action, and ask it to reflect on the example which would be afforded if the proceeding, as he had already stated, were to be sanctioned in the manner required by the hon. and gallant Member. What an advantage might be taken of that example, by other commanders, and to what serious consequences might it lead? With regard to the comparison which the hon. and gallant Member instituted between the battle of Algiers, and the battle of Navarino, he thought that there really was a very important difference between the two cases. What were the circumstances under which the battle of Algiers took place? Lord Exmouth was sent out to put an end to the barbarous practice of capturing and enslaving Christians, which had so long disgraced the Mediterranean sea. He was commissioned to enter into negotiations upon the subject, and some arrangements were made with the states of Barbary, which he considered perfectly satisfactory, and he, therefore, returned, hoping that the object of his mission had been brought to a favourable issue. These anticipations proved to be premature, and he was then sent out again to Algiers, with directions to make three specific demands, that the engagements which had been entered into, should be ratified, and if an unfavourable answer were returned, then to enter the Bay, and to attack the fleet. Would any man say, that this was a parallel case to the battle of Navarino, and that there was not a very considerable and marked distinction between them? The instructions of Lord Exmouth were, that if his demands were not complied with, then he should resort to immediate hostilities, and attack the enemy's ships in the Mole. In the case of Sir George Byng, which had occurred more than one hundred years ago, he did not think that a parallel could be found. Sir George Byng had received express orders to intercept the Spanish fleet, and to protect Sicily, the safety of which was at that time guaranteed by England. Admiral Byng had express orders to stop the progress of the Spanish fleet. Now, if the hon. and gallant Officer had met the Turkish succours at sea, if he had then stopped them, and if they had persisted in going on to join the Turkish fleet, the case would have been very different, for he would have followed his instructions. The hon. and gallant Officer had mentioned another case, but he did not think that it applied to the question. He (Mr. Labouchere) was not aware that it was necessary for him to trouble the House with any further observations. He had endeavoured to show, that there was a great distinction between the cases of the battle of Navarino, and those in which grants of money had been allowed. The general rule of this country was, not to grant head money, or gratuities to the officers and men engaged in actions, unless they had been preceded by a declaration of war. He was not certainly prepared to say, that that rule had not been extended under especial circumstances to other cases; but he thought, that the case of the hon. and gallant Member, was not one which would authorise the extension of the rule to it. It was with sincere regret, that he felt himself obliged to oppose the motion; yet he did so in the full belief that it was one to which the House could not with propriety agree.

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* Hansard (new series) xviii. p. 395.

Sir *Francis Burdett* could assure the House, that he had felt equally pained with his hon. friend; but he felt pain, that such a Motion should be opposed by his Majesty's Ministers, for he must confess that in whatever light he looked at the case, it appeared to him clearly made out, that justice, policy, and the best interests of the country demanded the grant, and, therefore, the Motion was deserving the favourable consideration of Parliament. It was a question which did the hon. and gallant Member great credit in whatever way it was regarded, and the manner in which he had brought it forward was highly honourable to him. If it were true, unbendingly true, that let the most gallant action be performed which it was in the power of man to perform, placed in the most trying and delicate situation, yet he should, on account of some punctilio, be refused that reward to which he was entitled, he begged them to remember the consequences that must flow from such a doctrine. He could not but call to mind the unparalleled situation in which the hon. and gallant Member was placed. If he had acted with a little less spirit, if he had acted with a little less decision, he would have cast the worst of all discredits that it was possible to cast upon any country or any cause upon them; he would have thrown a stain upon the arms of England, and degraded the character of the British officer. Yes, if he had sailed back from Navarino—if he had not had the honour of his country so deeply at heart, he would have been reproached for not having accomplished the views entertained by Government, and on him would have been imposed the full blame of all the disastrous consequences which might have ensued. The gallant Admiral had met with praise from all quarters—from the officers in the same service as himself, from the nation, and from a Member of that Government who refused his claim—the Secretary of the Admiralty, who was not a stranger to the brilliant achievements of his country—he meant Mr. Croker—who was not ill-calculated to form an opinion of such an action, who was Secretary at the most unrivalled, at the most memorable period of our naval history, and who could not but allow the highest praise to the daring achievement of the hon. and gallant Officer. He well recollected the period when Sir John Hobhouse brought his Motion before the House, and he then totally denied that the hon. and gallant Member had committed any fault. It then appeared to him, that the gallant Admiral deserved all the praise which was so liberally bestowed, that his conduct merited the highest commendations, and that his decision in action, his skill, his good taste, his tact,—he knew not how to describe his various qualities—were equal to that of any of his predecessors who lived in the memory of their country. When he remembered how he obtained the command of the fleet, how he put a stop to the jealousies of the commanders of the allied fleets, and how he contrived to combine their strength, to direct their movements, and unite their efforts, he could not but say, that if any action ever redounded to the honour of a commander, this brilliant achievement redounded to the honour of the hon. and gallant Admiral, and covered him with laurels. But suppose that the hon. and gallant Officer had committed a fault. The question did not there terminate. It was of a two-fold nature. The case of the officers, of the seamen, and marines, still remained. They had nothing to do with the instructions sent out to the gallant Admiral. They were not responsible for his disagreement with the Government. They nobly performed their duty, and on the common principles of justice they were entitled to their reward. What would be the consequences if they mixed up the case of these brave men with a quibble as to the circumstances under which they had entered into the engagement. Might they not expect, in some future critical time, the officers and men to say to their commanders, "Pray are we justified in obeying your orders; show us your instructions." What would then become of the service? If, as it was alleged, there was no precedent for rewarding the men under such circumstances of credit to them, then let a precedent be made; it was, indeed, time to make one. He repeated, that it was impossible to have a stronger case, founded on policy, and the best interests of the nation, to be brought forward. They had heard of the necessity of keeping inviolate the Bank Charter, of preserving untouched a questionable contract with some speculating bankers—they had been called upon in honour to maintain a compact which no one could understand how it existed, but still they were called upon, on the grounds of honour and faith, to keep it. He maintained, that the case of the seamen, to whom the Motion of the hon. and gallant Member related, stood on far better grounds. This claim could not be disputed; there was no doubt of it, and there was no doubt of the danger that would occur, if, after performing services that all men praised—if after hazarding their lives and fortunes, they were not only to be denied their reward; but even denied remuneration for the sacrifice of their property, and the injuries they had sustained. Now, when they brought forward their claim, they were met with some distinction about head-money. He could not understand the distinction; all that he could understand was, that those unfortunate men had been suffering since 1827, and that they ought, on this appeal to the House, to be both rewarded for their conduct, and compensated for their losses. There was no doubt about the merit of the men; and he was sure, that the performance of this act of justice to these men would be hailed throughout the country with the greatest satisfaction. He saw no difference between the cases of Algiers and Navarino. The gallant Admiral was sent out upon a most difficult mission, and he used those means which he found himself bound to adopt. They had performed that very action. The hon. and gallant Admiral was in a difficult and singular situation at Navarino; but his position in that House was still more singular. He should give his cordial support to the Motion. It was the first time in the annals of history, that a distinguished officer, after having achieved an action which reflected the highest honour upon his country, was compelled in that House to defend himself; to hear himself censured for having said, he hoped that the House would consent to relieve these ill-treated seamen, and do them that tardy justice which had been so long delayed.

Lord *Althorp* said, that he conceived himself called upon to make a few observations, in consequence of the reference which had been made by the hon. and gallant Member to what took place about a year after the affair of Patras had taken place, between the then Ministers and himself, in respect to that subject. The question that he had then asked was, why the action was not gazetted; for he had always felt, that it was one of the most brilliant which had occurred in our naval history. The answer which he then received, gave him a certain degree of doubt as to the origin of the action; and it was stated, that no shots were fired from the Turkish fleet; but he had since ascertained that many shots were fired. With regard to the daring nature of that enterprise, if it were not to be called the most brilliant—if it were not to be admitted as inferior to no other—if it were not superior—an action in which one line-of-battle ship, one sloop of war, and one frigate, opposed fifty sail of vessels, some of them of no mean size, and well-armed and manned, and compelled the whole fleet to return to their original position—if that was not a brilliant action, then, indeed, he did not know what other engagement could be dignified by that appellation. He was perfectly ready to give his opinion, and his hon. and gallant friend knew, that he was very accurately aware of what took place on that occasion as to the commencement of the action, and to acquit his hon. and gallant friend of any unfounded censure or misrepresentation to which he might have been subjected on that point. With respect to the question before the House, and with regard to the conduct of the gallant Admiral before the battle of Navarino, he wished not to throw out any insinuations against him, or, in the observations which he should make, to give him any unpleasant feelings. The situation of the hon. and gallant Admiral, under the circumstances and difficulties by which he was encompassed, was a very arduous one, and no man could throw the slightest blame upon him for going into the port of Navarino. The question, when he and his colleagues came into office, stood thus—an application had been made by the hon. and gallant Admiral to the Government which preceded the present Administration, and who were of opinion that the gratuity ought not to be awarded. The application was then made to the present Government, who had not employed his hon. and gallant friend, and who had not even been the next in succession to the Government that employed him. They were then called upon to consider the propriety of reversing the decision which had been given by the former Government upon this question. He appealed to his hon. friend, although, perhaps, it was not right to revert to those decisions, whether those appeals were different from the present statement. The action commenced accidentally, as his hon. friend had already stated, and it was not intended by the Government which employed the hon. and gallant Officer, that he should attack the Turkish fleet. As the action, therefore, was quite accidental, and as the claim was quite unprecedented, the question was, whether they ought to reverse the decision of the Government, under the order of which the action took place. — [*Sir E. Codrington:* Mr. Canning gave me my orders.]—It was true that Mr. Canning was at the head of the Government at the time the orders were issued, but the Government under which the action occurred, was essentially the same as that which had given the hon. and gallant Member his instructions. At least the Government had not reversed those instructions. His gallant friend acted under those instructions; and, as far as he was aware, there had been no change in the instructions given by Mr. Canning. That Government, therefore, ought to have been the best judge of the propriety of awarding head-money, and he did not see any reason to alter its decision. In his opinion, his hon. and gallant friend, and the brave fleet under his command, merited all the praise they had received, for that brilliant achievement. As to the losses which the men had suffered in their property on the occasion, he would only say, that any such claims always met with prompt attention from the Admiralty, The few claims of the kind, in connexion with this action, that had been laid before the Admiralty, had been immediately satisfied. The question now, however, for the House to consider was, whether in a case where the action had arisen from accident, it would be right to give this gratuity to the fleet that had achieved an action under such circumstances? He trusted he need not say, that it was with great regret he opposed the Motion; but the Government felt, that, under the circumstances, they would not be justified in adopting any other course.

Mr. *Buckingham* said, it was always an agreeable task to join in praise of the brave defenders of their country, whether officers or men, and he was proud on this occasion to add his humble meed of eulogy to that already bestowed on the gallant Admiral and his heroic band. But in addition to this expression of his feelings, he was anxious to make a very few observations on what had fallen from the hon. Gentleman opposite (Mr. Labouchere), on the subject in debate. He had listened to the objections raised against this Motion with the utmost attention, but had not heard one which was not susceptible of refutation. The hon. Gentleman began by reading the instructions issued to the gallant Admiral, by which he was commanded to take great care to prevent the Turkish fleet getting to the Morea, and to intercept them in their voyage there, if possible; and it was admitted, that if the fleet had been met at sea, and persisted in going to the Morea, it would have been right to give them battle. But surely when they had actually entered a port of the Morea, they were not the less, but rather the more, to be carefully watched, and, if possible, driven from their well-known purpose. The Admiral found them so entered and in possession, and he most wisely entered after them, to keep them in check. In doing so, he was first attacked, and as a British seaman, he instantly replied to that attack, by answering in language not to be misunderstood. It had been said, indeed, that there was no declaration of war; but if the seamen were to be asked their opinion of this matter, they would no doubt say, that the most unequivocal declaration of war was made the moment the first shot was fired. It was not, perhaps, a declaration in the legal and technical sense, but it was more than a declaration, it was an act of war; and as such it had been fairly met and gallantly repelled. The officers and men had then performed their duty. No doubt had been expressed of that; and he would put it to the House, whether the whole country would not say, that, in encountering the same risk of life and limb in this, as in the most formal warfare, they were as fairly entitled to honours and rewards? It had been said, indeed, that this would be an encouragement to others to provoke a battle, for the sake of the gratuities to be obtained. This argument might have some weight if the British had, in the present instance, been the aggressors. But it was notorious that they were merely defending themselves from the aggressions of others, and, therefore, to reward those who acted most prudently and justifiably on the defensive, could never be cited as a precedent for bestowing the same rewards on those who acted imprudently and unjustifiably on the aggressive. There was another point of view in which this subject should be regarded: it was this:—The pay of the seamen in the navy was much lower than that in the merchant service—their service was forced instead of free—their discipline was more severe, and their confinement and privations greater; and all these were palliated by the constant assertion, that these evils (for they were not denied to be such) were counterbalanced by their chance of prize-money, bounties, and gratuities, to which their services in war entitled them. What, then, would the seamen of England say, when they found that, though they fought and did their duty at Navarino, as well as on any occasion in our naval history, they were yet not to be paid that compensation for those risks, because of some technicalities of which they could not possibly have any knowledge? The reputation of the House and the country could not fail to suffer by such ingratitude; and he was not sure, but the fidelity of the seamen themselves, as well as their zeal, might be much endangered in the future, by withholding from them this just reward for their bravery and exertions in the past. For these and many other reasons, which he would not now press, as he was sure the feeling of the House would go along with him, and render any lengthened debate quite unnecessary, he should cordially support the gallant Admiral's Motion.

Mr. *Warburton* would ask, if any one had pointed out what course the gallant Admiral could have pursued other than he had pursued, namely, to enter the bay of Navarino? Why, then, should the seamen employed in that expedition, be treated differently from those engaged in other expeditions of a similar nature? The proper course would be, if an error had been committed, or if the gallant Admiral who commanded exceeded his orders, to call him to a Court-martial. If he had erred, let him be punished; but why refuse to the seamen the reward which they had so well earned.

Mr. *O'Connell* said, that his principle always was, not to pay those who did not deserve payment, but to pay those well who deserved it. Acting on this principle, he would vote that those seamen who fought so well at Navarino, should be rewarded. The men, in his opinion, ought not to be refused the customary reward on account of any error committed by the commanding officer. In such a case, the proper course would be, to call the gallant Admiral to answer any charge which might be brought against him before a Court-martial. But in this case the Government, by the mere fact of not calling on the gallant Admiral to answer any charge, had tacitly, though not expressly, approved of his conduct. Whatever the opinions of different parties might be, all would acknowledge, that the gallant Admiral had achieved a brilliant victory in the cause of humanity and liberty. The special pleading would be quite unintelligible to the seamen themselves by which they were to be deprived of the customary reward. There was no special pleading when called on to do their duty. No! they did what English sailors would always do—they annihilated the fleet they were ordered to fight, and they could not do more. It was time, that the Government of this country should at last accord to those brave men the praise which was freely admitted to them by the whole world. It was time for the House of Commons to tell the people of England, that those seamen might be recompensed, and he would, therefore, cordially support the Motion.

Mr. *John Stanley* hoped, after the expression of opinion by the House in favour of the Motion, that the Government would not persist in its opposition. The gallant Officer had acted strictly according to his instructions, and it was the duty of the House to see justice done to the gallant seamen under his command.

Sir *John Sebright* said, he recollected his father having mentioned a speech made by a gallant Admiral in that House, on an occasion similar to the present. It was made at a time when speakers were not so numerous as at present, and when none spoke who had not something to say. That such was not now always the case, he was afraid he should be one of the living proofs. At that time, officers in the navy had not the eloquence of the hon. and gallant Admiral who had brought forward the present Motion; but an old Admiral, who had never been known to address the House before, got up with his mouth full of tobacco, and, much to the surprise of all present, addressed the Speaker as follows:—"Mr. Speaker, I am not an orator, and I don't know how I could be, seeing that I have been forty years at sea; but this I know, that if you don't pay those who serve you well, you'll not be served at all." That story was applicable to the present question, and illustrated the view he took of it.

Mr. *George Young* considered, that it would be a dangerous precedent if the House negatived this Motion, as it might be an inducement to seamen hereafter, to question the commands of their officers, if they should not be paid the customary gratuity merely on account of an error of judgment on the part of a commanding officer. He did not think, even if the gallant Admiral were found guilty by a Court-martial of exceeding his orders, that that would be a sufficient ground for invalidating the claim of the seamen. He hoped, therefore, that the noble Lord would not continue his opposition to the motion;

or, at all events, that he would find himself relieved of any responsibility on this score, by finding himself in a minority.

Sir *Robert Price* hoped his noble friend would withdraw his opposition to a motion in favour of which there appeared to be an almost unanimous feeling in the House. He would earnestly entreat of the noble Lord not to persist in his opposition.

Admiral *Adam* supported the Motion, and said, that the gallant Admiral had done himself great honour by his disinterestedness throughout the transaction. It was clear, that his gallant friend had no expectation of fighting when he entered the Bay, and it was equally clear, that by so doing, he fulfilled his instructions in the best manner, and saved the Morea.

Mr. *Hume* had great doubts as to the propriety of acceding to this Motion. He said this with regret; for no one had a higher sense of the gallantry of the hon. and gallant Admiral than he had, or was more ready to accord him his meed of admiration. He was, however, disposed to go with the noble Lord in the opinion which he expressed, and for the same reasons. The general sentiments of the House, however, showed, that the noble Lord would be left in a minority, and he would, therefore, recommend to him not to press his opposition to a division. He could not but regret the result of the battle, in as far as it destroyed the Turkish fleet, and thereby laid Turkey prostrate at the feet of Russia.

Mr. *Hodges* supported the Motion. To deny the sailor compensation when he had gained a battle might make him waver when the country was in danger.

Lord *Althorp* rose and said, that he had formerly stated his reason for opposing this Motion; but no one seemed to concur with him in his opposition but the hon. member for Middlesex. In such circumstances, he could not think of dividing the House on the question, and would, therefore, not persist in his opposition; and he hoped his hon. and gallant friend would allow him to congratulate him on the result of his Motion. He was sure, that his gallant friend well knew, that any opposition which he gave to it was merely from a sense of duty. He would only add, that this result was a reward which the hon. and gallant Admiral well deserved for his distinguished conduct throughout the transaction.

The Motion was carried; the House to resolve itself into a Committee on the 25th.

EDUCATION IN SCOTLAND.] Mr. *Colquhoun* moved for leave to bring in a Bill to regulate and enlarge the provision for parochial Education in Scotland. In every parish in Scotland there was not only a parish-church, but a parish-school paid like the Church, by the heritors, the master of which was appointed by them. It was placed under the superintendence of the clergy, and the master of it passed under their review. The system had been in operation for above two centuries; but about a century and a-half ago it was completed, and the principle of the system that there should be a school for every thousand persons was nearly realized by there being a school in each parish. But, since then, the population of Scotland had more than doubled—it had risen from 1,000,000 to 2,330,000; and, as there had been no corresponding increase in parochial schools, the number of parishes in Scotland being 907, and the parochial schools of Scotland, at this moment, being 1,005, it was clear, that the provision of parochial education was not now adequate. By the last census, it appeared, that there were in Glasgow 46,000 between the ages of five and fifteen; that was, between one-fourth and one-fifth of the population at an age to receive education. In Prussia, by the last census, 2,000,000 out of 12,000,000 were between the ages of seven and fourteen; in the United States, there was a still larger proportion. Now, in Prussia, there were 2,000,000 persons, or one-sixth of the population, actually received education; in the State of New York, one-fourth; and, in Holland,—a country the authority of which he preferred to either of the others,—one-fifth of the population were receiving education. The result of the inquiries of the Committee of the General Assembly was similar. To educate the population of the Highlands (upwards of 500,000) there should be 83,000 at school, or one-sixth. Such was actually the state of several of the Lowland parishes. One parish, Fossaway, had one-fourth of the population at school; Comrie and Mid-Calder, had each one-fifth; Colington, Ruthwell, Kirkwall, and Tongue, had each one-sixth; so that he assumed one-sixth of the population as the proportion requiring education. Applying that test to the towns of Scotland, their deficiency in the means of education would be apparent. In Glasgow, about one-fourteenth was at school; at Dundee, one-fifteenth; at Perth, under one-fifteenth; at Old Aberdeen, one-twenty-fifth; at

Paisley, (the Abbey-parish, containing nearly one-half of the population,) one-twentieth. In Paisley, thirty years ago, there was not a family who could not read, and had not a Bible—all above nine could read, or were at school; whereas, by a very accurate scrutiny, made in one parish, it now appeared, that there were, in Paisley, 3,000 families without education, and the children of which were growing up wholly untaught. In Glasgow, there were 20,000 growing up uneducated; and, it appeared, that there were from 6,000 to 7,000 persons living by crime, a large proportion of whom were young. Of the Highlands, there were authentic returns; and what was their state as to education? In the 143 Highland parishes, out of 500,000, there were 83,000 who could not read, and had no means of learning; 250,000 could not write. In the 132 parishes of Banff, Elgin, and Aberdeen, the average of the persons at school was one-eleventh; and there were instances of one-twelfth, one-thirteenth, one-fifteenth, and one-twentieth, in other parishes taken indiscriminately over the south and central parts of Scotland. In one parish in the county of Berwick, the proportion at school was one-fifteenth; in two parishes in Edinburgh and Wigton, one-eleventh; in a parish in the county of Stirling, one-twelfth; in a parish in the county of Dumbarton, one-thirteenth; and several of these instances occurred in rural parishes; the two worst instances being in the counties of Banff and Aberdeen, in one of which there was only one-thirteenth at school, and in the other one-twentieth—and both were rural parishes. He was aware that Scotland ranked high in the estimation of all, on the subject of education. He was sorry to contest that opinion, but it was the best and the truest policy to exhibit clearly the state of the case, in order that the evil might be remedied. What was the remedy? Many supposed it might be found in schools established by private teachers. But the Assembly's Committee said, that a schoolmaster ought to have at least 40*l.* a-year, with accommodations. But the average fees of a private teacher over the whole Highlands, were ascertained to be 13*l.* per annum. In Shetland, the average was 3*l.* One parish in the county of Dumbarton paid 15*l.*; two paid 4*l.* each. In the Returns, from 15*l.* to 25*l.* was the most frequent answer; 25*l.* and 30*l.* rare; a larger remuneration was still more uncommon. It was not to be supposed that a schoolmaster could live upon that which was insufficient for the worst-paid day labourer, and these private schools were often taught by the most incompetent persons, such as "boys and aged females, a retired soldier, a fisherman, an innkeeper." Five out of seven schools of private adventure in one parish, in the Lowlands, and in another parish, four out of the nine were taught by women. But it was supposed, that in towns where the population was more dense, private teachers might have a larger number of scholars. On the contrary, the average attendance in towns was less than in the Highland parishes, and the receipts of the schoolmasters varied from 15*l.* to 25*l.*, sometimes 35*l.*—more rarely 40*l.* In one town, five out of the twelve schools were kept by females. If they would, therefore, secure well-paid masters and a respectable school, they must have something besides the fees, by which alone the master could not support himself; in other words, there must be a permanent salary. Some might suppose, that the endowment might flow from charitable contribution. But in the Highlands when the General Assembly investigated their state, they required 450 schools, or 450 endowments for the masters. They had eighty-five; and far beyond that it did not appear that their exertions could extend. But, moreover, the endowments should be adequate, not an overgrown salary, but such a decent maintenance as an income of 40*l.* Taking that as the standard, the salaries of many of the parochial schoolmasters in Scotland were lamentably inadequate. In one Highland parish, the Report of the Assembly's Committee said, the schoolmaster had three guineas per annum; in eleven parishes in Argyleshire, the salaries did not amount to above 10*l.* or 11*l.* each. In three counties the salaries were as low as 8*l.*, 17*l.*, 19*l.*; the salary and fees together, 19*l.*, 20*l.*, 23*l.*, 28*l.* Either inferior men would take the situation, or superior men taking it, would turn their attention to other occupations, by which they might be enabled to eke out their income. Educated men would not be satisfied with wages which would not satisfy a farm servant; many of the parochial schools were, therefore, in a deplorable condition. Another point of almost equal importance was the superintendence and moral agency which should accompany the parochial school. Those who established the system had an eye to this, when they connected parochial schools with parochial churches, and blended the provision for schools with the provision for religious instruction. If they merely gave a good salary to a master, they might have an indolent and inefficient teacher; there must, therefore, be over him a local superintendence. But they might establish a good school, and plant in the school a good master, fix a low rate of payment, and make the school accessible to the whole people of the parish, and still the school might not be filled; for without the agency of the parish minister, visiting the people, and urging them to send their children to school, they might have little inclination to send them or to resist the many temptations to keep them away, or prematurely withdraw them. He had found, that in almost every instance in which the parish schools were well filled, the clergyman was active and zealous. In one instance where the clerical agency was not very active, one twenty-fifth of the population only went to school; but in a small district assigned to a chapel of ease, the minister of which was exceedingly active, the proportion was as high as one-tenth. The hon. Member quoted several other instances of the good effects of placing schools under the superintendence of the clergy, and then said, he had established, he hoped, the case, which it was his object to bring before the House, that there was a great deficiency of education in Scotland; that it was necessary that that deficiency should be supplied, and that it could be supplied only by establishing additional schools, and providing the masters of them with a reasonable salary, through the medium of an endowment. He was aware his hon. friend, the member for Ross-shire, was inclined to prefer the principle adopted by the Government in the education grant for England, namely, that of applying money to the erection of schools and school-houses. Experience was decisive against that opinion. The Committee of the General Assembly had established eighty-five schools, and had never found the slightest difficulty in having school-houses and other accommodations erected by the voluntary liberality of the heritors; and the Secretary of that Committee had informed him that they had now hundreds of applications from heritors offering to build the schools and houses, if the Assembly would secure them a provision for the masters. Was it, therefore, too much to expect that the liberality of Parliament should be extended to Scotland? The sum which he proposed to be annually granted for the extension of the means of education in Scotland was 60,000*l.*; and he trusted, that the House would not consider that an extravagant sum. The expense to the country of maintaining a metropolitan police alone, was considerably more than 200,000*l.* a-year; and the expense of maintaining the police of Edinburgh and Glasgow was greater than the amount of the grant he proposed. When the House, therefore, considered the influence which education had in the suppression of crime, he trusted, his proposal would appear deserving the concurrence of hon. Members, on the mere ground of economical Government. The case in Scotland was once the same as it was in Ireland now. A century had not elapsed since there was agitation in the former country, and when garrisons and a standing army were necessary to preserve public tranquillity. Scotland had her Whitefeet and her Blackfeet and her Captain Rock, whose history had been preserved by her great novelist. The beneficial change which had since taken place, was principally to be ascribed to the diffusion of education in the country; and it would still be found that, as education prevailed, crime would be suppressed, and the peace and tranquillity of the country be preserved. The hon. Gentleman then concluded, by moving for leave to bring in his Bill.

Mr. *Hume* said, that he was a warm friend to education; but he doubted whether the bringing in the hon. Gentleman's Bill at present would not defeat the object he had in view. He would suggest to the hon. Member, whether the most proper course to pursue would not, in the first instance, be to move for the appointment of a Committee of Inquiry into the state of education in Scotland, and then the House could act on the Report of that Committee to whatever extent should appear to it most advisable.

Mr. *Stewart Mackenzie* concurred with the hon. member for Middlesex in suggesting the propriety of an inquiry previous to legislating on the subject.

Mr. *Aglionby* was also of opinion, that it would be premature to legislate on the subject without previously appointing a Committee of Inquiry.

Sir *George Strickland* said, the House should not rashly agree to large grants of the public money for such purposes as those contemplated by the hon. Member. If 60,000*l.* were annually granted to promote parochial education in Scotland, how large would be the sum the House would be called on to vote to England for the same purpose, when the difference in the amount of the population of the two countries was considered?

Sir *Daniel Sandford* cordially concurred with the hon. member for Middlesex in suggesting the propriety of appointing a Committee of Inquiry previous to bringing in any Bill on the subject. He thought that a Committee might be appointed, and witnesses got up from Scotland and examined (for only four or five would be required), in sufficient time to enable the hon. Member to carry his measure during the present Session, notwithstanding its advanced state. The General Assembly of the Church of Scotland was in the habit of annually instituting inquiries into the state of education in that country; and the venerable Moderator of that Assembly would at once furnish the Committee with many valuable documents on the subject, which, with the examination of two or three witnesses, would afford all the information that would be requisite.

Lord *Althorp* differed in opinion from the hon. and learned member for Paisley, when he said, that there would be sufficient time for the examination of witnesses, after getting them up from Scotland, this Session. He agreed with those hon. Gentlemen who thought that, unless there were further information on the subject before the House, it would be premature to legislate on the matter. He did not wish to institute any comparison between the system of education adopted in England and that which was pursued in Scotland; but he must say, that his own opinion was, that the system which had been adopted as to England should be adopted for Scotland. He (Lord Althorp) thought that the better plan for the hon. Gentleman to have pursued would have been to bring in the Bill and refer it to a Committee up-stairs.

Motion withdrawn.

Mr. Buckingham rose to move for leave to bring in a Bill to prevent duelling, but the House was counted out.

HOUSE OF LORDS,
Wednesday, June 18, 1834.

Minutes.] Bills. Read a third time:—Roman Catholic Marriages.

Petitions presented. By Lord Saltoun, from Rayhe, against any Alteration in the present System of Church Patronage in Scotland; from three Places, for Protection to the Church of Scotland.—By Lord Suffield, from the Society of Friends, against Tithes and all other Ecclesiastical Imposts.—By the Duke of Beaufort, from Compton Martin, for Protection to the Established Church; and against the Separation of Church and State; from Nailsa, for an Alteration in the Sale of Beer Act; from Master Chimney Sweepers of Bristol, and from Liverpool, against the Chimney Sweepers' Regulation Bill.—By the Lord Chancellor, from Hammersmith and Fulham, against the Hammersmith Vicarage Bill.

HOUSE OF COMMONS,
Wednesday, June 18, 1834.

Minutes.] Bills. Read a second time:—Common Fields' Exchange.—Read a third time:—Glasgow Lotteries.

Petitions presented. By Colonel Wyndham, from three Places, for Protection to the Church of England.—By Mr. A. Sandford, from Common Carriers, and Owners of Waggons, for amending the General Turnpike Act.——By Lord Sandon, Colonel Torrens, and Mr. Greene, from several Places, for Amending the Practice in the Lancaster Court of Common Pleas.—By Mr. Fazakerley, from Peterborough, for making Landlords of small Tenements liable for the Payment of Rates.—By Mr. Baring, and Mr. Lloyd, from three Places,—against the Poor-Law Amendment Bill.—By Mr. S. Lefevre, from Bentley, for the Repeal of the Sale of Beer Act.—By Colonel Lygon, from Claines, for the Better Observance of the Sabbath.—By Sir Edmund Hayes, and Sir John Owen, from two Places, against Drunkenness.—By Mr. P. Scrope, from Stroud, for Repealing the Sale of Beer Act.—By Mr. Fenton, from several Places, against the Poor-Law Amendment Bill.—By Viscount Lowther, and Sir Robert Inglis, from several Places,—against the Universities' Admission Bill.—By Mr. A. Pelham, from three Places, against any Alteration of the Poor Laws.—By Mr. Sheil, from several Places, for the Repeal of the Union; from a Number of Places, against Tithes.—By Major Marsland, from Stockport, for the Repeal of the Duty on Cotton.—By Mr. Feargus O'Connor, from the Charlotte Street Institution, against the Sentence on the Editors of the *True Sun.*—By Mr. Stuart Mackenzie, from Dingwall, for an Alteration in the System of Patronage in Scotland.—By Colonel Butler, from Kilkenny County, for Redress on account of the Loss by the Failure of the County Treasurers.—By Sir William Molesworth, from St. Clere, against the Tithe Commutation Bill; from Launceston, against the undue Influence exercised at the Elections in that Borough.—By Colonel Williams, Mr. W. Fielden, and Mr. Fleetwood, from several Places,—for amending the Practice in the Lancaster Court of Common Pleas.—By Messrs. Fleetwood and Wigney, from Preston and Brighton,—against the Proposed Measure of Church Rates.—By Lord Lowther, from Proprietors of Customary Lands in Westmoreland, for amending an Act relative to such Property.—By Lord Lowther, Colonel Lygon, Sir Robert Inglis, and Sir John Owen,—against the Claims of the Dissenters.—By Lord Dalmeny, from Bradley and Wield, against the Separation of Church and State.—By the same, Sir Henry Hardinge, Sir Robert Inglis, Lord Seymour, Mr. Sanderson, and Mr. Fleetwood, from several Places,—for Protection to the Church of England.

Poor-Laws' Amendment—Committee.] The House (on the Motion of Lord Althorp) went into Committee on the Poor laws' Amendment Bill.

The 69th Clause was read.

Mr. *Robinson* said, he had given notice that this clause and the following clauses, to the 73rd inclusive, should be omitted from the Bill. These clauses made a radical change in the law of the country relating to bastardy, to which he strongly objected. In saying this, he wished not to be understood as holding that the law as it now stood relating to bastardy was one which did not require amendment; he thought it did require amendment, but he did not think that the amendment now proposed, ought to meet the approbation of the House. The 69th clause removed the liability of the putative father. He did not object to the latter part of the clause which repealed certain acts affecting the mother of a bastard child, but he did decidedly object to the part which removed the liability from the father. He objected to the 70th clause, which had an *ex-post facto* operation, as it relieved all putative fathers who were now under recognizances or in custody for not giving security for the support of any child already sworn to them, but not yet born, from all such recognizances, and directed their discharge on application to a visiting Magistrate. In the 71st clause he found, to his astonishment as a man and a Christian, that the liability which was removed from the father was placed on the mother of an illegitimate child, and that she was bound to support it. In the 72nd clause the same principle was adopted, but carried much further. It proposed, that in case the woman should be unable to support her bastard child, the liability should rest on her father, or if he were not alive, or being alive was unable to support it, then the liability was to fall on the grandfather or grandmother. Could the House seriously entertain propositions of that nature? Could they consent to pass enactments so contrary to every principle of justice and humanity? The only excuse for such an enactment was this—that it was calculated to compel parents to attend more closely to the morals of their children. Still, even with that excuse, he could not refrain from considering it as an enactment fraught with gross injustice. He must also complain of the mode in which the forfeitures created under this Bill were to be raised. He had on former occasions objected to the Bill, that it would not lessen the amount of charges incurred at present on account of the poor. If the fathers of bastard children were to be relieved from the burthen of contributing to the support of their children, on whom was that burthen to fall? On the mother, said the supporters of the Bill. What would the situation of the unfortunate mother then be? In going in this manner from one extreme to another, he thought that the noble Lord was not acting wisely. He maintained that, in nineteen out of twenty cases, in which a female gave birth for the first time to a bastard child, it would be found that she was not able to maintain herself and child. This clause, and those which depended on it, had been framed by men who had looked at life only through the medium of books, and who had no practical knowledge of human nature. If they had possessed the latter species of knowledge, they never would have proposed anything so monstrous. It had been said, that if you threw upon the woman the burthen of maintaining her bastard child, you would lessen her disposition to indulge in licentious passion. That man, however, knew little of human character, who fancied that it would lessen the offence of seduction. He believed, that if you were to hold out to persons who were seduced under promise of marriage, that they should not receive any support from the fathers of their children for those children, but that they should find it for them themselves, it would not prevent licentiousness among the lower classes of society. Prudential considerations might suspend for short periods, but they never could annihilate the natural desires of woman; nor would it stop the career of licentious men, to inform them that they might commit seduction with perfect impunity, and that they might gratify their inclinations at the sole expense of the softer sex. In whatever point of view he considered these clauses, they appeared to him framed upon erroneous calculations. He was anxious to learn, from the supporters of the Bill, on what principle they proposed to relieve the man, who was the most guilty party, from the consequences of his misconduct, and to charge them all upon the unfortunate woman? It had been said, and not without justice, that, from the power possessed by the woman to charge the man upon oath with having gotten her with child, cases of injustice to the injury of innocent men were not of rare occurrence. He believed, however, that cases of this kind seldom took place, where the man had not been guilty of some imprudence or other with respect to the woman. He believed that this clause would not afford any relief to the parishes; on the contrary, it would inflict a greater expense upon them for the maintenance of future bastards. He wished to know whether any clauses of this kind either would operate or could operate as impediments on the impulses of our common nature? If the noble Lord meant to charge the licentiousness of our lower orders on the operation of the Poor-laws, he laboured under a great mistake; for in France there were no Poor-laws, and yet the number of illegitimate children born there, was much greater than the number of illegitimate children born here. The knowledge of that fact induced him to maintain, that the increase of bastardy was not in any material degree effected by the Poor-laws. The only increase effected by the Poor-laws was in the case of women who, having had one bastard child, and having no hope of recovering the respect of society, made a trade of bastardy, and gave themselves up to licentious indulgences, in the hope that the allowance made to them for the number of their bastards would induce some individual at some future period to marry them. He was afraid that the enactment of these bastardy clauses would lead to the concealment of the birth of children, and to infanticide—offences which were already too rife among us. If the restraint which this clause contemplated should be found to fail in practice, and if females should still listen and yield to the solicitations of vicious men, it was impossible to conceive that, with all the shame which they must undergo, and with all the struggles which they must encounter to support their offspring, they would not often be driven to commit infanticide. Admitting, as he did, that the bastardy laws required amendment, he was still inclined to move for the omission of the clause. It was not matter of imperative necessity that it should be passed in this Session of Parliament. The other clauses in the Bill might be proceeded with, and, in the next Session, when the House had had time for consideration, a distinct Bill for the amendment of the Bastardy-laws might be brought into Parliament. As females were excluded not only from all seats in the Legislature, but also from all suffrage at elections, he thought that the House ought not, without mature deliberation to sanction clauses which pressed so partially and severely upon them. Until he heard it from the lips of the noble Lord himself, he never could believe that either the noble Lord would advocate the justice of these clauses, or that the House of Commons would adopt them. With these impressions on his mind, he felt himself bound to move the omission of the 69th clause.

Lord *Althorp* said, that in regard to the conclusion of the hon. Member's speech, if the question were to be discussed as a question of feeling, its consideration would certainly be exceedingly easy and simple; but if they were to discuss it, in their legislative capacity, as a question of reason, if they were to consider it as one in which the benefit of the community in general was concerned, then, indeed, it was not quite so simple as the hon. Member had stated it to be, nor was it a question of justice merely affecting the sex to whose situation the hon. Member had called their attention. It was incumbent upon them to consider what was the state of the labouring classes under the existing bastardy laws; it was necessary to consider whether those laws had had the effect of deteriorating the morals of those classes; and whether, by the proposed alteration, they might not anticipate some correction of the evils of the existing system, and some improvement both in the morals and the conduct of the classes to which he had referred. These were very important considerations. They were to reflect whether they would discuss the subject as a question of feeling, and as a question merely in accordance to the existing feelings of females in the lower ranks of life, or whether they would inquire how far it bore on the ultimate and more important interests of the community. With respect to the clauses as they stood in the Bill, he was prepared, notwithstanding what the hon. Gentleman had said—looking as he did at the question in the point of view in which he had already placed it—looking at the question as far as it related to the benefit not only of the females, but of the community in general —he was prepared to argue, that the Bill, as it at present stood, was calculated to benefit the female population. What were the evils, to correct which they were called upon to legislate? As the law at present stood, was it not undeniable—and he did not refer for his proofs to the evidence which had been collected by the Poor-law Commissioners, but to the experience of every man in that House—that the effect of the Bastardy-laws was, to produce the greatest evils, to diminish all inducements to chastity to the greatest possible degree, and to bring about a general demoralization? There was no doubt that the effect of the present laws was, to shelter, and even to hold out advantages to females of an abandoned character, and consequently to counteract that moral feeling which otherwise might preserve their chastity—that moral feeling on which they must depend in considering this question. As the Bastardy-laws were at present administered, a woman received an allowance for her children, whether she wanted or not the whole of that allowance. This was a direct inducement to increase the number of her children. The hon. Member said, that such cases were very rare, that they seldom heard of women being so abandoned; but unfortunately the contrary was the fact, and that such cases, so far from being few in number, were one of the greatest stains of the present system. Again, the woman had a direct inducement to affiliate her child to a person against whom she thought the Magistrate would enforce the largest allowance. That went completely to destroy all moral feeling. The hon. Member had proposed that those only who had two or three children, and were of bad character, should be severely treated, and that women who conducted themselves properly should be placed in a better situation. When the hon. Member spoke of women who had the misfortune of having a child for the first time, being placed in a position of disgrace, he inferred that there was an inducement to chastity and morality in the females of the labouring classes of society, which really did not exist. This was, in a great measure, the effect of the present bastardy laws; for they took away that inducement, and counteracted the moral feeling of the female sex. The course which the law had hitherto taken had been, instead of strengthening the inducement, which was in general more powerful and natural to females, in order to apply a feeble check to the strong passions of the other sex, they applied the check to men who had the least feeling of chastity, and who must, therefore, be the least affected by it, instead of applying it to the other sex, who, according to the principles of nature, must have a strong moral feeling, however that might be afterwards corrupted. That was the state of the law, and it was on that ground, and not on the Report of the Commissioners —for, many years ago, he had been satisfied that the existing law was most detrimental—that he supported the principle of the present clause. He was aware that the arguments founded upon feeling, justice, and charity to human kind, which the hon. Member had used, might have great effect. He was aware of that, and he was ready to admit, that, in the making of any law, it would not be a wise course to pay no regard to those general principles. If, in considering what measures were necessary to correct the evils of the Bastardy-laws, he had found it possible to adopt a course by which he would not have in any way acted against those general principles, he should have been most happy to do so. It was, however, extremely difficult to effect this—he might almost say it was impossible. Let it be remembered, that the man to whom a child was affiliated could be compelled to pay any amount the Magistrate thought fit, and any sum, however small, was a serious tax upon a labouring man, which, in consequence, gave the woman the advantage of forcing the man to marry her, to which he might consent rather than be committed to prison in default of non-payment. Now he did not see any course by which they could avoid that evil, when they laid a tax upon a man under such circumstances. They could not avoid the imprisonment of the man. If he were not capable of paying the money which was charged upon him, he must be committed, and the effect of that would be to take him from his labour. This was a great evil. With regard to this point, there was an Amendment by the hon. member for Somersetshire among the notices of Motion. It provided that the maintenance of the illegitimate child should be continued upon the putative father, in cases where the mother was unable to support her offspring. He should certainly be for the adoption of the Amendment in substance, because it entirely deprived the woman of a principal inducement to select one person from another as the putative father, and because it was provided, that no part of the money charged should go to the mother, and that no affiliation should take place until she became chargeable to the parish. One of the great evils of the Bastardy-laws was, the system of swearing the child before the child was born; the effect of which was, that the man was generally bound over to give security to appear at the Quarter Sessions, and the alternative was his committal to gaol. That was nothing more or less than an absolute committal without giving him the power to show cause against the deposition of the woman. He certainly was more disposed to agree to this Amendment than to the proposition of the hon. member for Worcester; and it was for the House either to agree to the Bill as it at present stood, or to the Amendment of the hon. member for Somersetshire, or resolve to postpone the subject to next Session. If the Amendment of the hon. member for

Somersetshire were adopted, there would be no necessity to alter other clauses, but merely to alter the 69th clause. When he introduced the question he certainly stated, that the settlement and bastardy clauses were not absolutely necessary parts of the Bill, and he left it for the House to take either of the three courses to which he had already adverted. He had thought it right to state the grounds upon which he supported the Bill as it at present stood, without making any strong objections to the Amendment of the hon. Member.

Mr. *Lloyd* thought, it would be desirable to postpone the clause for the present, though he felt confident, that the object and the principle of it were most beneficial. He was, however, disposed to postpone it, lest it might be laid hold of as a means of throwing out a bill which, however objectionable in parts, contained many good things. The sooner it became law the better, and, to remove impediments, he hoped the noble Lord would accede to the proposition of the hon. member for Worcester. The public mind could not readily be brought up to the point at which it would tolerate so great a change in the Law of Bastardy. Vestries would oppose it, misrepresentations would go abroad, and, as great mischief was often done by attributing false motives, the success of the whole measure might be endangered for the present.

Mr. *Estcourt* considered, there ought to be some moral punishment inflicted on the father of an illegitimate child. Hitherto the father was not punished for his immorality. It was true he might be incarcerated, but that was not for the crime of immorality, but because he was looked upon in the light of a debtor. He was anxious, that the whole of the laws relating to bastardy should be reviewed and consolidated. He thought that, as the subject did not press for an immediate decision, it would be advantageous to postpone the clauses under discussion until the next Session or another, and combine them in one Bill.

Lord *Ebrington* thought, though he was not particularly favourable to the clauses at they at present stood, there would be a lesser evil in passing them now than in deferring them. He was glad to hear from his noble friend, that he was inclined to adopt the Amendment proposed by the hon. member for Somersetshire. With the prospect of the Amendment he should be extremely sorry to see the clauses rejected; but he should prefer voting for them to postponing the whole question till next Session.

Mr. *Edward Buller* said, that the present Bastardy-laws were productive of a great amount of perjury, and something should be done to prevent it. That might be effected by making the allowance to women as small as possible. With regard to the alteration proposed by the present clauses, he thought it too great. It would leave women without any protection, and would award no punishment to the men. It would not have the effect of preventing incontinence, and would drive women to acts of violence and revenge. He had great doubts as to the propriety of removing all liability from the men. Though the present mode of punishment had little or no effect on the lower classes, it had a considerable effect on the middling classes, and the class just above the lowest, which class was most important as far as regarded the morality of the country at large. He certainly should wish the clause to be postponed.

Mr. *Miles* read a document to show that the money, at present paid by the putative fathers of illegitimate children was nearly sufficient to cover the expense of bringing them up. According to his conception the 69th, 70th, and 71st clauses might stand as they were, and his Amendment be placed as a clause after the 71st; or, if the noble Lord thought it necessary, his Amendment might come after the 69th clause of the Bill. He would suggest another mode. Those three clauses might be deferred to another stage of the proceedings, but he earnestly hoped that they would not be postponed to another Session. He hoped that the Bill would go through the Committee with but few alterations; and he was persuaded that, with a few alterations, it would give general satisfaction.

Mr. *Bulteel* should be sorry to see the Bill in any way mutilated. Whatever aspersions might be cast on the harshness and cruelty of country gentlemen, the present Bill, if it passed, would owe its ultimate success to the co-operation of those Gentlemen. If the principle contained in these clauses came into operation it would be attended with general good.

Mr. *Charles Buller* considered the present Bastardy-laws a great evil, for they promoted perjury, incontinence, and immorality. He thought some measure of punishment ought to be directed towards the father, but that was rather a secondary consideration. Great advantages would result from directing measures of punishment against the woman. The best way to prevent the crime of infanticide would be to put an end to the system that gave a premium for the production of children.

Mr. *Aglionby* agreed with his hon. and learned friend, the member for Stockport, whose object was to render the passing of the Bill certain. The discussion of those clauses would much impede the progress of the Bill. They were not an essential part of the measure, and they would render it objectionable in the eyes of the country, since it would be seen that it was not necessary that they should form part of it. He considered it more advisable to adopt the suggestion of his hon. and learned friend, and separate those clauses from the present measure, and make of them a distinct Bill.

Mr. *Wolryche Whitmore* said, that, as he had always thought the clause under discussion a most important one, he would trouble the House with a few words upon it. Hon. Gentlemen who objected to it said, that it had been concocted by men in their closets. Now, there was no one principle in the Poor-laws of England, worse than that which this clause sought to remedy. If it were wished to make the clause effectual, it should not be separated from the Bill. The practice of giving public support to illegitimate children was a cause of their increase. He would quote America as a proof of that assertion. In the towns of Boston, Salem, and Baltimore, illegitimate children were not supported at the expense of the public; in the town of Philadelphia they were. What was the consequence? The illegitimate children, in one year, in Philadelphia, amounted to 272; in Salem there were none, and only two in Boston, and two in Baltimore. It was clear, therefore, that the practice of publicly bringing up illegitimate children tended to increase immorality and incontinence. He hoped, that the clauses would be persevered in, as great good would result from passing it. He would support the clauses, and, if they should be lost, he trusted, that Government would not allow them to drop altogether, but defer them for future legislation.

Mr. *Grote* requested the noble Lord not to postpone the clause. He should prefer it as it now stood; but, at any rate, let it be passed with the modification proposed. The evils of the system which had hitherto prevailed, were acknowledged by all, and certainly they were as great as any that could result from the measure that was proposed. It was perfectly clear, that the present Bastardy-laws not only were destructive of chastity and other female virtues, but also tended, in an alarming degree, to encourage perjury.

Mr. *Ewart* gave his cordial support to the clause as it stood, and thought, that it was one of the most important and beneficial parts of the measure.

Mr. *Benett* said, that those clauses proceeded on the principle, that women would perjure themselves for the small premium of 1*s.* per week; for Magistrates in the country districts usually allowed from 1*s.* to 1*s.* 3*d.* a-week for the support of a child. [*" No, no!—2s., and 2s. 6d."*] Gentlemen might say "no" to that statement; but he spoke from his own experience as a Magistrate, which had been pretty long. He now heard it stated, that 2*s.* and 2*s.* 6*d.* a-week were allowed to women for the support of a child. Were they, then, to assume, that these poor women would perjure themselves for half-a-crown? Were they to assume, that these poor, unfortunate, and he would say honest, women, would universally and publicly commit the crime of perjury for 2*s.* 6*d.* a-week. If a Magistrate, in a country district, should make an order for 2*s.* 6*d.* a-week, which was more than was necessary there for the maintenance of a child, he in doing so acted contrary to law; for the object of the law was, to secure a sum sufficient for the maintenance of the child, and to protect the parish from being burthened with its support. Magistrates were also in the habit of taking into account the circumstances of persons to whom children were sworn, in awarding the amount which they should pay. Now, in doing so, they acted contrary to law. The law merely intended, that no child, however valueless it might appear to some gentlemen in that House, and to some persons in the country, should perish. In the whole course of thirty years' practice as a Magistrate, he had never reason to suspect, that any woman who had sworn her child before him acting as a Magistrate had perjured herself. He spoke of what was his own experience; it might be different from that of other Gentlemen, but he felt, that he was called upon to state the result of it. He never knew this class of women, however immoral they might be, however ready they might have been to fall into errors, into which all those whom he was now addressing had been liable to in early life—he never knew them, he repeated, to commit perjury for the purpose of obtaining support for their bastard children. It was true, he regretted to say, that under the present system these poor women were sometimes guilty of other crimes; they were guilty of procuring abortion, of concealing the birth of their children, and sometimes, too, of destroying them. What, then, would be the consequence of the proposed alteration in the law, as far as those crimes were concerned? Was it not plain that the effect of that alteration would be, to increase tenfold the inducements to the commission of child-murder? He did not think, as some Gentlemen seemed to think, that those children were a nuisance to the country—he thought the preservation of their lives should be an object of consideration with a wise, enlightened, and humane Legislature. It appeared to him that, if they believed that a single child would be put to death in consequence of the passing of that law, they should not pass it. He did not see why the punishment, in the shape of being burthened with the maintenance of the child, should be thrown upon one party, and that party the most defenceless, and the most exposed to the seductive influence and power of the other. He did not see why the man should be allowed to go "scot free"—why the man, who possessed so much power and influence over the female, should be exempted from all cost, which would entirely fall upon her. Such a punishment, cruel as it was to throw it entirely on the female, would not prevent the propagation of bastard children. All restraint would be removed from the men; and once a woman had a child, and that she went to the workhouse, it would be a matter of no consequence to her how many more she might have. He was ready to admit, that this was a difficult question, and he wished that it had been brought forward in the shape of a separate Bill. He believed, that the manner in which it was proposed by the clauses in the Bill to legislate upon it would lead to still greater immorality, and to an increase in the number of bastard children throughout the country.

Mr. *Cobbett* agreed with the hon. member for South Wiltshire. They heard much of late of the great increase of bastards, and of the great increase of immorality throughout the country. He remembered the time when the production of one bastard in a year in a parish, and that a large parish, too, was looked upon as a wonder; and the unfortunate woman who had so erred, even though she should get married, was afterwards shunned by all her neighbours. It now appeared, from the evidence that had been given before one of the Committees of that House, that it was the universal practice for the girls throughout the country to fall with child before they were married. That was known and admitted on the examination before the Committee to be a trick, so to "manœuvre it," that the parish should pay the expense of the marriage; the parties being, in truth, oo poor to incur the expense themselves, though they were all along willing enough to contract matrimony, but could not, for want of money to pay the charges. In this way, then, the parishes paid them. Poverty was here the cause of all the crime, as it were in direct exemplification of Dr. Franklin's maxim, that "it is very difficult to make an empty sack stand upright." To adopt a proper remedy, it should be applied to the cause of the evils complained of, and not to the effects. The 72nd clause of this Bill, would it be credited, required the grandfather or grandmother of an illegitimate child, if it became chargeable to the parish, to provide for its maintenance? Here was an enactment! By the old Bourbon law, if the child smuggled salt to avoid the tax, the parent was sent to the gallows. That was mercy, in comparison with this tyrannical and iniquitous clause. A girl who had been hired out to service fifty miles away, suppose from her parents, might have a bastard child, and for having it she, and not the man who seduced her, was to be punished by being made liable to support it; and should she happen to die, its support was thrown, not upon its father, but upon the old grandfather and grandmother of the child's mother, who might in no respect be justly answerable for her misconduct. It was the custom in the country for the farmers to send their children out to service as soon as they were fit for it. A girl thus sent out to service, at suppose fifty miles' distance, might happen to have a bastard child, and in case of her death it was provided, that the expense of maintaining that child should be defrayed by the girl's father and mother, out of perhaps the small earnings that they might have collected in their old days for their own support. He was sure that, if the noble Lord would look at that clause, he would, at any rate, withdraw it from the Bill. The removal of it would not certainly reconcile him to the rest of the Bill; but he trusted, that it would not remain there as characteristic of the House. It was the custom to speak of the poor as immoral, and profligate, and guilty of all sorts of crimes for having bastards; and it was gravely proposed, that punishment should be inflicted on them for such a heinous offence. Now, he begged leave to ask, was the crime of bastardy confined to the poor? Were there no bastards to be found in high and elevated places? Were there no other bastards but the bastards of the poor, which the nation was called upon to support? Were there no bastards on the Pension-list? Would the noble Lord say, there were no bastards upon it? The noble Lord had said, upon a former occasion, that the Pension-list was a charity-list. Why should they have placed upon this charity-list the bastards, not of poor people, but of rich persons—of persons in high situations, and who should be made to support their illegitimate offspring, instead of thus quartering them upon the people? Before this Bill passed, he would allude to those bastards, and he would bring the question relating to them more particularly before the House. It was always considered, that example did a great deal, either in the way of evil or of good. Would it be said, that such an example as that he had alluded to, set by men in high life, effected no evil? Did it redound to their honour or credit to breed bastards, and whole troops of bastards, and afterwards to quarter them on the public? Would it be said, that the money which was extracted from the labouring people of this country should go to keep those bastards in splendour and magnificence, while the people themselves were threatened with such a cruel clause as this for having any bastards at all? He had called the clause a cruel one, but he might have spared the epithet, for he knew that such a clause never could be executed. A clause like that might, indeed, pass the House; but did they think, that it would be executed while they had bastards in high life supported in splendid style out of the public purse?

Sir *John Wrottesley*, though not contented with the clause as it stood, yet would vote for it rather than for the Amendment moved by the hon. member for Worcester. If the hon. Member should go to a division, he would find that, while a great many who would vote against him were in favour of the original clause, there were others who, like himself, were favourable to the Amendment proposed by the hon. member for Somersetshire. He looked upon that hon. Member's proposition as nearly unobjectionable.

Mr. *Hawes* supported the original clauses. He trusted the noble Lord would not withdraw them. It had been said, that they were legislating upon this subject in haste, and without sufficient consideration. Now, he would venture to say, that never had there been a measure brought before the country for which the public mind was so prepared as this. The Report of the Commissioners, which contained all the principles of the Bill, was laid on the Table of the House on the 20th of February, and it was now the 20th of June. It could not be said, therefore, that they were legislating in a hurry. All persons acknowledged the evils arising from the present bastardy system. Was that system to be without a remedy? It was said, that the feeling of the country was against this part of the Bill. He did not find that any petitions had been presented against it; and he knew, that it was in some places approved of. The hon. Member read an extract from a letter of a clergyman, stating that he, and all the clergymen in his part of the country especially, approved of this part of the Bill, as likely to increase the purity, and consequently the happiness, of the female sex. With the facts before them which were detailed in the Report of the Commissioners, he hoped they would have the courage to apply this remedy to a great and crying evil.

Mr. *George Wood* said, that an objection taken to this clause among his constituents —an objection in which he concurred— was, that it might tend to render the parish liable for the support of those bastard children. He, therefore, thought that all liability should not be removed from the father, though he, in other respects, approved of the principle of the clause.

Sir *George Strickland* thought, that this was the most important part of the Bill, and he would certainly give it his support. The hon. member for Oldham had told them, that he remembered the time when there was but one bastard in a parish for one hundred that were in it now. If he looked back to the time he referred to, he would find, that the Poor-law system had not then arrived at that acme of demoralization to which it had been since proceeding with such rapid strides. The greatest honour was, in his opinion, due to his Majesty's Ministers for fearlessly grappling with such a subject. Gentlemen who had acted as Magistrates at Petty Sessions must have been shocked at the horrid scenes of perjury which they witnessed there on the part of women swearing bastards. He was surprised to hear the observation of the hon. member for Wiltshire, and could only say, that his experience on this point was directly contrary to that of the hon. Member. He would ask the House, too, whether there was no cruelty in the present system, under which young women were dragged before Magistrates at Petty Sessions for a fault they would naturally wish to conceal in their cottages? That was done, too, upon a fiction of law that, because a female was with child, she was deemed to be chargeable to the parish. Was it not cruelty to send such females, as was sometimes the case, to the county gaol to suffer imprisonment for a year, a punishment awarded to serious crimes? It was not fair to say, that the woman under this clause was compelled to support her child under any circumstances. If she could not support it, she could resort to the workhouse for relief. He regretted that he did not see the means of fairly and honestly throwing a portion of the punishment and of the burthen on the father. He would adopt the Bill as it stood, and felt bound to oppose the Amendment now under consideration.

Colonel *Torrens* would support the Amendment of the hon. member for Worcester, because he could not think it desirable to mix up the question of the Bastardy-laws with that of a Reform of the Poor-laws. In reply to the observation that the number of petitions which had been presented against these clauses were few, he begged to state, on the contrary, that they were numerous and strong in the tone of their objections. With every wish that the Bill should be made popular, and being so, should work consistently with the feelings of the people, he hoped the Committee would see the necessity of acquiescing in the Amendment.

Mr. *Mark Philips* said, that while he admitted the great importance of an alteration in the Bastardy-laws, yet he must maintain the propriety of still holding the father responsible to the parish for the maintenance of his illegitimate child, for otherwise the charges on the parishes in large manufacturing towns and districts would be much increased. Even as the law at present stood, the average deficiency for the last few years in the contribution to the parish of Manchester by the fathers of bastard children exceeded 700*l.* per annum; and this deficiency would, by the proposed change in the law be greatly enhanced. He therefore, thought, that the fathers ought still to be held liable for the support of their bastard children, or otherwise an injustice would be done to the parish as well as to the unfortunate mother.

Mr. *Hardy* with every desire on his part for the success of this Bill, must state, that his experience in the courts of quarter Sessions of the operation of the Bastardy-laws enabled him to say, that it would be inexpedient to relieve the fathers of illegitimate children from the burthen of contributing to their support and maintenance; for the father was, at all events, in cases of a first child, the criminal and not the woman. With respect to the incentive to perjury, his experience had shown him that many of the cases supported by perjury were got up by the fathers against the unfortunate mothers of the children. The noble Lord, the Chancellor of the Exchequer would do well to add some provision in this measure to enable parishes to enforce some contributions from the fathers, for otherwise the consequence would be that the young woman who might unhappily be the mother of a bastard child, and who might not be capable of maintaining herself, would be entirely thrown upon the parish or upon the resources of her own parents, who, under circumstances such as had already been mentioned, could not in any degree be blamed for the misfortune or misconduct of their daughter. Under these circumstances he hoped, in the event of the present clause passing the Committee that the noble Lord (the Chancellor of the Exchequer) would acquiesce in the addition contemplated by the Amendment of the hon. member for East-Somerset, and that thereby some security would be afforded to the parishes for contributions from the fathers. At the same time he (Mr. Hardy) was disposed to vote with the hon. member for Worcester for a postponement of the consideration of these clauses.

Mr. *Peter* was convinced, from the magisterial experience he had had, that if the oath of the mother was admitted to fix a party, the mass of perjuries which had been complained of would continue. The hon. member for Wiltshire (Mr. Benett) had asked if it could be believed that a woman would perjure herself for the weekly stipend or allowance of 2*s.* He begged to state, that such was not the object in many numerous instances; but, on the contrary, the child was threatened to be sworn to a party, and, by the threat, money was extorted from the individual sought to be charged. He knew instances where 10*l.* and 20*l.* had been so obtained, in sums of 5*s.*, 10*s.* and pounds, from the young men resident in the neighbourhood of the pregnant woman, who eventually swore the child against a poor and perfectly innocent man, from whom nothing could be recovered by the parish. Such a method of proceeding was stated in the Report of the Commissioners appointed to inquire into the state of the Poor-laws. It was there also pointed out, that the practice was not unfrequent in garrisons for the females to swear the children to soldiers from whom nothing could be recovered, but who were nevertheless liable to punishment. This went completely to the encouragement of immorality in the females of this country, and as a proof he would instance a case where a family of five sisters were the mothers of between twenty and thirty bastard children, and all of whom had gone round to the young men in their parish, and extorted money from them in the manner he had already stated. So long as the oath of the mother was sufficient to fasten the charge on an individual, all these evils would continue.

Viscount *Howick* was most anxious to have avoided taking any part in the present discussion, but there was one single point of extreme importance in the consideration of the present question, which as yet had not been mentioned. He alluded to the consequences which arose from making the birth of a bastard child penal in one way as against the father. In point of feeling the father was, he admitted, a more blamable party in the transaction than the female, but the Legislature ought not to be guided by feeling, but by practical effects. He contended that a much greater mischief arose from compulsory marriages, which necessarily must take place if by any modification of the present Bill the father was exposed to punishment, than from the adoption of the plan proposed by this Bill. Under the Amendment which was contemplated by the hon. member for East Somerset, a poor labouring man who might be charged with a bastard child would have the option of either going to prison, or marrying the mother. He feared that the latter alternative would be but too generally chosen; and he put it to the Committee whether any pecuniary advantage to the parish could for a moment be put in competition with the extreme mischiefs consequent upon teaching the lower orders of the people to disregard the sacred tie of marriage. There was an instance which served to illustrate the evils of this system, and which when he mentioned it would, he was sure, be remembered by every Member present. About five or six years ago the public had been horrified and disgusted by the perpetration of a most dreadful offence in the neighbourhood of Brighton. That offence was the murder of a woman, whose body was cut up into different parts and buried in divers situations in the vicinity of that town. On investigation it turned out that the woman was of notoriously profligate character, whom a labouring man had been compelled either to marry or to go to prison on her oath that he was the father of her bastard child. Though the labouring man at the time contemplated a marriage with another woman, he chose the last alternative, and the result was, after a wretched and miserable cohabitation, that he in concert with the other female, perpetrated the horrible crime for which his life was forfeited to the law. Such was one of the effects of compulsory marriages, and such marriages would continue to be effected if labouring men remained so circumstanced as under the existing laws relating to bastardy. The instance he had alluded to showed what might be expected from compulsory and ill-assorted marriages of this kind, which he contended would do much more mischief than could arise from any increase of payment or charge upon parishes themselves. He contended, that those great towns by which objections had been raised to this part of the Bill would judge most unwisely, in a pecuniary point of view, if they persisted in seeking an alteration, because another effect of the Bastardy-laws, every man was aware, was to lead to those early and improvident marriages, which tended greatly to increase the burthen of parochial rates. Nineteen out of twenty of those marriages took place, because labouring men entertained the notion that it was better to marry than be committed to prison for the maintenance of the bastard; and early compulsory marriages would be continued by the adoption of the Amendment of the hon. member for East Somersetshire. In reference to another objection which had been raised to the Bill as it stood, he was anxious to mention one extraordinary fact, which he had from unquestionable authority. In the town of Maestricht a foundling hospital, formerly existed, into which illegitimate children were received without inquiry. Notwithstanding great doubts were entertained and expressed as to infanticide and all those other evils which had been dwelt upon by the hon. member for Worcester and others, that hospital had recently been closed. The result was, on subsequent examination, that instead of infanticide having increased, a diminution had taken place in the number of births of illegitimate children, in the ratio of 100 to six. With these facts before him, he could not think that the large towns of this country would find from the operation of the Bill as it now stood those inconveniences which had been anticipated by some hon. Members.

Mr. *Pease* would not shrink from the responsibility he incurred by stating, that after deliberate consideration he was impressed with the opinion that the clause as it stood was calculated to effect important good to the community. He was satisfied, from personal observation, that the present system was pernicious, and that if many young women had been allowed, as in many instances they were willing, to volunteer the support of their own illegitimate children, their shame would have been screened by their friends, and the probability in such cases was, that they would have returned to a respectable course of life. The Bill as it stood would, he was convinced, do good, and therefore should have his support.

Mr. *Halcombe* considered, that the better course would be to take these clauses out of the present Bill, and submit them in a distinct measure for the Amendment of the Bastardy-laws. At the same time the present Bill ought not, in his opinion, to be stopped, so far as it related to the alteration of the Poor-laws. He scarcely knew what was the proposition of the hon. member for East Somerset, but he understood that it went to overturn the whole existing Bastardy-laws, and to set up a system quite at variance with the Report of the Commissioners and the measure brought forward by his Majesty's Government. These sudden alterations must lead to hasty and improvident legislation, and in this respect he could not but complain that the noble Lord (Lord Althorp) had consented, on a previous evening, to strike out an important clause from the Bill without any previous notice having been given of such intention. There were several classes of cases of daily occurrence which were not at all provided for in the present Bill, or in the Amendment intended to be proposed; and he must especially allude to the case pointed out in the 99th page of the Report of the Poor-laws Commissioners. He meant the cases of Irish labourers seeking employment in this country, who got the marriage ceremony performed by Roman Catholic priests in a manner that is illegal under the present law, and who, on seeking parochial relief, declared that they were not married legally, and thus their families, consisting of eight, ten, or twelve children, became chargeable on the parish, while the fathers were allowed to go scot free. This was an evil which prevailed to a very great extent, and which called for a remedy. He contended that the alteration of the Bastardy-laws ought to form the subject matter of a distinct and separate Bill, and that as even the present Bill was not contemplated to be brought into force until the next summer, there was ample time for the deliberation, instead of making so important a change after about an hour and a half's debate.

Lord *Althorp* denied, that he had taken the House by surprise by consenting to any alteration in the Bill; on the contrary, he had not assented to any alteration whatever. He had certainly stated, that if the House objected to the Bill, he thought the least objectionable alteration in it would be that proposed by the hon. member for East Somerset. The hon. member for Dover seemed to think, that neither, he (Lord Althorp) nor the hon. member for East Somerset had kept faith with the House. He denied the imputation; and with respect to the hon. member for East Somerset, he begged to say, that that hon. Member had actually printed and circulated the Amendment he intended to propose, and had therefore taken the very course which, of all others, justified the present discussion. He had before stated, that there were three courses for the Committee to pursue, and he thought that one of them, namely, that relating to the postponement of those clauses, had been disposed of. If he collected rightly the sense of the matter, it was, that they should go on with the clauses. Of course they would have an opportunity of discussing whether or not it would be proper to adopt the Amendment of the hon. member for Somersetshire. That proposition would not alter the clause, but merely add to it.

Mr. *Robinson* in reply, said, that there was no pressing or immediate necessity for altering the law relating to bastardy, and therefore, as the delay which he sought would be productive of no injury, he should press the Committee to a division. They might afterwards take up the Amendment of his hon. friend, the member for Somersetshire; but he could not help observing upon the caution with which the noble Lord had abstained from saying whether or not he would support that Amendment. It was quite evident, that the noble Lord, the Under Secretary of State for the Home Department, was opposed to it; but surely that noble Lord might have spared them the recital of the horrid story of the murder at Brighton, knowing as he must that such a transaction could not operate to influence the deliberation of that House.

The Committee divided on the Amendment—Ayes 33; Noes 114: Majority 81.

List of the AYES.

Brotherton, J.
Buckingham, J. S.
Buller, C.
Cobbett, W.
Davenport, John
Fenton, John
Fielden, John
Finn, W. S.
Gully, J.
Halcombe, J.
Handley, H.
Hardy, John
Heathcote, John
Hodges, T. L.
Hughes, H.
Jacob, E.
Jervis, John
Lloyd, J. H.
O'Connor, F.
O'Dwyer, A. C.
Rider, Thos.
Ruthven, E. S.
Ruthven E.
Scholefield, J.
Shaw, R. N.
Steward, Ld. D.
Strutt, E.
Tennyson, Rt. Hon. C.
Torrens, Col.
Tyrell, C.
Vigors, N. A.
Walter, J.
Young, G. F.

The Clause was agreed to.

On Clause 72 being read,

Mr. *Robinson* said, he would put it to the Committee to say whether they were prepared, after having thrown the whole liability of supporting her offspring upon the mother, to throw it also upon the grandfather and grandmother on her side, in case of the mother not being able, from sickness or death, to do so? It was impossible that the grandfather and grandmother could be held criminal in the act committed by their daughter, and in many cases it would be a dreadful aggravation of sufferings already sufficiently great. Supposing the case of a labourer with a large family, which he had with difficulty supported and brought up. He would be obliged to send out his daughters to service or perhaps to a factory, and if they should be seduced would it be fair to send back their children to be supported by the grand parents? He feared that such a law would have the effect of demoralizing and brutalizing the people, and tend to pauperize those who would otherwise be industrious and independent.

Lord *Althorp* said, that this would be no departure from the principle of the Act of Elizabeth. By a former clause they had decided, that all relief to the child should be considered as relief to the mother. In that case the mother's parents were justly chargeable with the relief because the relief was to their own child.

Mr. *Hughes Hughes* said, that such a clause as this would create a difference in the law between the poor and the rich. If such a provision were adopted in this Bill, it should also be applied to the Pension-list, by which the latter would be materially shortened.

Mr. *Fysche Palmer* said, that the relationship of the parties gave them a legal liability, and he did not see why they were not to be bound to support the offspring of their children if the latter were unable to do it.

Mr. *Miles* was surprised to hear the assertion of the hon. member for Reading. If the hon. Member inquired, he would find, that the law recognized no relationship in the grandfather and grandmother for their advantage, and it would be most unjust to make them relations only for the purpose of sharing the penalties of their children's misconduct. Upon this topic, however, he begged to caution hon. Gentlemen against indulging in statements that differences were made between the poor and the rich, or that the former were treated with harshness or injustice. He was confident, that they all desired to benefit the poor, and he therefore regretted to hear the imputations which were so freely cast out. This being his opinion, he did not think the House, after reflection, would adopt such a provision as that now under discussion. It was manifestly unjust to the poor. In the classes above them the law gave protection to parents against the seduction of their children; but any one acquainted with the habits of the lower orders of society would know, that when parents were deprived of their children by seduction they had no means of appealing to the law for redress. It would be therefore cruel and unjust to add to their privations the charge of maintaining the offspring of their daughters, and he did hope the clause would not be persevered in.

Lord *Althorp* said, he should not persist in retaining the clause.

The clause was struck out.

On Clause 73 having been moved,

Mr. *Cobbett* said, he had to move a proviso, which would make the law for those who had become rich by the labour of the poor the same as for the poor. It was certainly right that grandfathers or any other relations, if they had substance and means, should provide for their destitute kindred, and the law ought to compel them to do so; and so ought all children for their parents in like manner. There could be no objection to this, and this was what the clause provided for. But it did not provide for another thing. They ought to have a trifling addition to the clause; and he meant to move it. It ran thus:—"Provided always, and in manner aforesaid, that the father and grandfather, the mother and grandmother, child or children, of any person on the Pension-list, the Sinecure-list, the List of Retired Allowances, the Widows' Pension-list, the Compensation-list, or upon all or any other list of pensions received without services rendered to the public, or in any other way receiving money out of the taxes raised upon the poor, shall, if such father or grandfather, mother or grandmother, child or children, be persons of substance, be liable and compellable to yield relief to their relations under all the penalties and forfeitures provided by the Act of Elizabeth, and that all such pensions and allowances shall cease to be paid." That was his proposition. They talked of the degradation and sense of shame which the unhappy paupers ought to feel; but had the pensioners, the sinecurists, any sense of shame? If they had any, would not their aristocratic relatives keep them from preying, like paupers, on the hard-wrung taxes? He might be accused of ungentlemanly conduct in talking in this manner, but he did not care for fine language and nice distinctions. When he saw so manifest a determination on the part of the House and the Whig Ministers to reduce the labouring classes to salt and potatoes, he looked upon them to be the aggressors, and they must abide by the consequences.

Lord *Althorp* would not enter into any discussion of the principles upon which the hon. Member's observations against the Pension-list were based. He should simply content himself with reminding the House, that even those who objected to that Pension-list were not doing any thing to support or countenance it by voting against the hon. Member's Amendment.

The Committee divided on the Amendment—Ayes 17; Noes 112; Majority 95.

The Clause agreed to.

List of the AYES.

Blake, M. J.
Buckingham, J. S.
Butler, Colonel
Cobbett, W.
Fielden, J.
Finn, W. F.
Gaskell, D.
Gully, J.
Heathcote, J.
Hodges, W. L.
Maxwell, J.
O'Brien, C.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Connor, F.
Ruthven, E.
Thompson, Ald.

On Clause 91 being proposed,

Mr. *Jervis* moved, as an Amendment, that the Commissioners should not, in the case of a prosecution, be privileged to plead the general issue.

The *Attorney General* thought the privilege should be given to them. It was quite true, that inconvenience had resulted from the privilege being possessed by Dock Companies, and other Companies of a similar nature; but that was no argument against its being conceded to the Commissioners, who had certain duties imposed upon them, and were in many respects differently circumstanced.

The Committee divided on the Amendment—Ayes 28; Noes 112; Majority 84.

The Clause was agreed to.

List of the AYES.

Aglionby, H.
Attwood, T.
Blackstone, W. S.
Blamire, W.
Bethell, R.
Briscoe, J.
Ewart, W.
Finn, W. F.
Halcombe, J.
Hughes, H.
Jacob, E.
Ingham, R.
Irton, S.
Lloyd, J. H.
O'Brien, C.
O'Connell, J.
O'Connell, M.
Petre, W.
Potter, R.
Pryme, G.
Robinson, G.
Scholefield, J.
Stanley, E.
Thompson, Ald.
Tower, C. T.
Vigors, N.
Willoughby, Sir H.
Young, G. F.

TELLER.

Jervis, J.

On the 93rd Clause being put,

Lord *Althorp* observed, that it would be in the recollection of the House, that the debate on three or four clauses of the Bill had been postponed; but he thought it would be the more convenient course to bring up the new clauses which he had to propose, before the Committee proceeded to deal with the old ones. The clauses which he had to suggest, too, were such as he believed were not likely to provoke discussion, and he would therefore at once state their purport. The first clause which he proposed to bring up was, to prevent persons, being Poor-law Commissioners, and Assistant-Commissioners, from sitting in Parliament: the second was, to limit the operation of the appointment of the Commissioners to a period of five years: the next provided, that the rules, regulations, &c., should be laid every year before Parliament—that the rules and regulations of the Assistant-Commissioners must be prepared and sealed by the Central Board: the next clause provided, that all bonds and securities and assignments connected with the jurisdiction of the Poor-law Commissioners, should be exempt from the payment of Stamp-duty.

The Clauses having been put,

Mr. *Grote* rose, and said, he, for one, could not help thinking that the noble Lord, by introducing the limitation of five years to the operation of the appointment of the Commissioners, would not improve the character of the Bill. He certainly entertained the fullest and firmest conviction, that when the period of the termination of the present Act should arrive, the working of the measure would be found to have been so beneficial, that the powers of the Commissioners must be renewed. Whereas, in the event of carrying this limitation, it would make the measure appear in the light of a temporary experiment merely, and they could not divest it of that character if they sanctioned this clause. The effect of such limitation would necessarily be to excite a spirit of resistance, and a degree of hope in parishes where the mal-administration of the Poor-laws might prevail; that in such cases the parishes would, if they could, retard the progress of the improved system; and they would make head against the Amendment in the laws which were proposed. The powers of the Commissioners must be diminished by this limitation. There was always a chapter of accidents in these matters, and it might fall out that when the five years should expire, the Parliament of that day might not think fit to renew the Act.

Lord *Althorp* was not prepared to say, that the clause he had to propose was an improvement—he perhaps did not think it was; but he thought it was, at least, no detriment to the Bill. The only practical objection which he could see in the observations which had fallen from his hon. friend, the member for London was, that by enacting, that the powers of the Commissioners should expire in five years, their powers would in effect be diminished. He could not see, that such a result was likely to occur. The reason which had induced him to limit the duration of their powers was, the fact of great objections having been made to them, as at first proposed. Those objections had been urged from various quarters. Now, he thought, that if he disarmed the objections which had been urged in that House (and he meant nothing disrespectful to the House), more especially by the country, he gained a great advantage. It was most certainly his wish, that the Bill should be passed by as large a majority as possible, and that it should be met by the concurrence of not only those within the walls, but of those beyond them on whose concurrence the success of the measure must in part rest.

Mr. *Robinson* thought, that this measure was to be regarded as a great experiment, and that the noble Lord was quite right in proposing this limitation, because he thereby disarmed many objections.

Mr. *Wolryche Whitmore* concurred in the opinion of his hon. friend, the member for the city of London. He believed, that the limitation of five years might prevent the formation of those unions which the Act sought to establish, and the erection of workhouses, as proposed by this measure.

Clause added.

The other proposed Clauses agreed to.

The Earl of *Darlington* moved the clause of which he had given notice: "To make all tenements of the lowest description rateable property, and to be assessed to the relief of the poor; but that, in all cases, where the annual rent does not exceed 10*l.* the owners, and not the occupiers, shall become chargeable for the said assessment." To this the noble Lord added a proviso, to the effect that the proportion should not be as to the actual rent paid by the occupier, but upon the rack rent, as assessed by the surveyors of the respective districts.

Mr. *Charles Russell* opposed the clause. It would be unjust to expose one particular description of property to the effects of an *ex-post-facto* law; or a law which could never have been contemplated by persons who had purchased such property. Hard, however, as such a clause must operate on the owners of property, it would be sure to operate still worse upon the poor themselves. The consequence would be, that the poor would immediately flock to towns, where they would be huddled together in small rooms of large houses, to the injury of their health.

Mr. *Warburton* did not think, that this clause was one which should be allowed to pass in its present shape; and he objected to such a clause being introduced into this Bill.

The Earl of *Darlington* said, in reply, that instead of this description of property being the only one which was hardly dealt with, it was the only description of property which was exempt at present from the payment of parochial rates. It paid no rates, partly on account of the difficulty of collecting rents, and the expense of collection. The owners of this kind of property would reap advantages from the adoption of this clause.

Lord *Althorp* said, he had been long of opinion, that the principle embraced in this clause was good; but he could not see why the noble Lord had introduced the proviso respecting the rates being taken on the rack-rent. He objected to this, and thought the clause should stop at the words "chargeable for the said assessment." He was also of opinion, that great advantage would accrue to the occupiers in these cases by relieving them from a certain extent of pressure to which they were now liable.

Viscount *Sandon* was opposed to this clause, and maintained, that it drew an arbitrary line in respect to the proprietors of a certain description of property.

Mr. *George F. Young* differed altogether from the statements made by the noble Lord (Lord Sandon). He knew some parishes in which the system worked well, and he was therefore determined to support the clause.

Mr. *George W. Wood* thought, that all property of this description ought to contribute to the general fund, or if not all, then all ought to be exempted. If this were not the case, improvident persons would have an advantage over the industrious portion of the population. He thought, however, that it would be of advantage to all parties if in certain cases the landlord was to pay the rate at a reduced valuation.

Mr. *Pryme* was opposed to this clause, as it would have the effect of doing away with small cottages, and thus the poor man would be compelled to pay rent for a higher house, or else to migrate to a smaller or still more wretched dwelling. So much for towns. Now for the country. He would say, that three pounds, the usual rent paid for a cottage in the country, did not pay the farmer the interest of his money, and he erected cottages only because he had occasion for the labour of their occupants. But let him be called upon to pay the rate, and the cottages would disappear, to the injury of the industrious labourer, who would be compelled to seek a tenement where he must pay more money.

The *Attorney General* moved an Amendment to the following effect:—"And be it further provided, that where any house rated to the relief of the poor shall be under 10*l.* the owner and not the occupier shall be rateable." He moved it in this form because there were in many boroughs numbers of scot-and-lot voters who would be altogether disfranchised by this Clause, if no proviso against it were introduced. Such proviso must, however, be introduced with great care; but if for the present the Clause were allowed to pass as he had worded it, he pledged himself to introduce such a proviso.

Mr. *Bonham Carter* considered this a matter of such importance as to call for a separate legislative enactment. It was to be regretted that the whole measure should be thus impeded, if not endangered, by the introduction of matter altogether foreign to the Bill.

Mr. *Robert Palmer* agreed with the last speaker in thinking this a matter which called for separate legislation, instead of being introduced so as to interfere with the Bill itself. He thought all property of this description ought to be rated, leaving the Magistrates to afford relief where the parties were not able to pay.

Mr. *Fysche Palmer* was authorised to state, that in Reading and its neighbourhood persons did not receive more than three or four per cent, for the money expended in the erection of houses of the description in question. It would be a severe hardship if a retired servant, who had expended his or her little savings in such a way, should be ruined (as in many cases they must be) by the enactment of such a clause. In the country it was a different question, but there he would say, that if the landlord consulted merely his own interest, he would not have one of those cottages erected. He opposed the clause.

Mr. *Estcourt* supported the Clause. Difficulties such as those described might perhaps arise to old servants, but was it not, he would ask, a hardship to the community, that those who had laid out large sums in this way did not contribute a single farthing to the poor-rate? It appeared from the inquiry of 1817, that many individuals received hundreds a year; that one, in fact, received 2,000*l.* a-year from such houses, without paying anything whatever to the poor-rate. Why, he asked, was such injustice to be tolerated?

The Earl of Darlington withdrew his Clause in favour of that of the Attorney General.

Mr. *Warburton* objected to both, and thought, that any proposition of so important a nature ought to undergo full and ample discussion, and ought not to be proposed at all, without affording the parishes an opportunity of entering into their details.

Lord *Althorp* was favourable to the principle of the Clause; but he doubted whether, in the present stage, it could be rendered operative. He put it to the noble Lord whether he felt it necessary to press any such Clause at present.

The Earl of *Darlington* said, he certainly did; and if on being enforced it was found inoperative, he pledged himself to introduce a separate Bill upon the subject.

The Committee divided on the Clause as amended by the Attorney General: Ayes, 69; Noes, 55—Majority, 14.

The Committee again divided on a proviso proposed by Mr. G. Wood, to enable the landlord to compound for small houses for one half the value: Ayes 35; Noes 89—Majority, 54.

List of the AYES.

Attwood, T.
Benett, J.
Bolling, W.
Brotherton, J.
Crawley, S.
Dillwyn, L. W.
Egerton, W. T.
Forster, C. S.
Handley, H.
Hughes, H. H.
Jacob, E.
O'Connell, M.
O'Connell, J.
Palmer, C. F.
Palmer, R.
Plumptre, J. P.
Philips, C. M.
Pryme, G.
Russell, Lord C. J.
Ruthven, E.
Ruthven, E. S.
Sandon, Lord
Scrope, P.
Sullivan, R.
Thicknesse, R.
Torrens, Col.
Tower, C. T.
Vigors, N. A.
Wason, R.
Willoughby, Sir H.

TELLER.

Wood, G. W.

The House resumed, the Committee to sit again.

PUNISHMENT OF DEATH BILL.] Mr. Lennard moved, that the House resolve itself into a Committee on the Punishment of Death Bill.

Mr. *Ruthven* opposed going into the Committee at that late hour (half-past 2 o'clock.)

The House divided: Ayes, 50; Noes, 17—Majority, 33.

The House went into Committee.

Lord *Howick* said, he had a claim on the hon. Member's indulgence after having consented to the Committee, and he hoped, therefore, the hon. Member would make no opposition to the Amendment which he was about to propose. The hon. Member must be aware that, as the law stood before, the party committing or attempting a highway-robbery, where injury was inflicted, suffered the extreme penalty of the law. His (Lord Howick's) object was, to place the law in that respect as it was before. He would, therefore, move, that after the words "security" these words be inserted, "not doing any bodily harm to the person so robbed."

Mr. *Lennard* was obliged to resist the insertion of these words, because it had been truly said by the noble Lord, they would go to leave the law as it was before the introduction of the Bill; which, in that shape, would afford no real amelioration, and the public would be deceived by, and dissatisfied with it. If the robbery itself did not deserve death, surely the assault by which it was attended ought not to make it so punishable, inasmuch as the most violent and severe assault was visited, he believed, with only two years' imprisonment, it being always borne in mind that where life was endangered in cases of robbery the capital punishment remained the same

The Committee divided: Ayes, 33; Noes, 28—Majority, 5.

The House resumed, the Committee to sit again.

* * *

HOUSE OF LORDS,

Thursday, June 19, 1834.

MINUTES.] Petitions presented. By Lord LORTON, from the Clergy of Elphin, for relief from the Repayment of Loans from First Fruits.—By the Duke of WELLINGTON, and the Earl of ROSSLYN, from two Places,—for Protection to the Church of Scotland.—By the Archbishop of CANTERBURY, and the Duke of WELLINGTON, from three Places,—against the Separation of Church and State.—By the former, from a Number of Places, against the Claims of the Dissenters.—By both, from a Number of Places, —for the Protection of the Established Church, against the Separation of Church and State, and against the Claims of the Dissenters.

* * *

HOUSE OF COMMONS,

Thursday, June 19, 1834.

MINUTES.] Bills. Read a second time:—London Port Dues; Sale of Tea; Insolvent Debtors (Ireland).

Petitions presented. By Mr. G. W. Wood, from Worsley, against the Poor-Laws Amendment Bill.—By Mr. Greene, from Attorneys of Manchester, and other Places, for Improving the Practice in the Lancaster Court of Common Pleas.—By Mr. G. W. Wood, from two Places, against the County Coroner's Bill.—By Mr. Wynn, from Llansillin, for the Amendment of the Tithes Prescription Act; from four Places, for Protection to the Church of England; from the Clergy of three Places, against the Universities Admission Bill.—By Mr. Turner, from Blackburn, against the Sale of Beer Act.—By Mr. Hodges, from several Places, against the same Bill.

SALE OF BEER.] Sir E. Knatchbull moved the Order of the Day for the House to resolve itself into Committee on the sale of Beer Act Amendment Bill.

The House went into Committee.

Sir *Edward Knatchbull* moved, as an amendment on the second clause, the following enactment:—"That from and after the commencement of this Act, it shall be lawful for the Commissioners of Excise, or other persons duly authorized to grant licenses for the sale of Beer, Ale, Porter, Cider, or Perry, under the provisions of the said recited Act, to any person applying for the same, but that such license shall not authorize the persons obtaining it to sell Beer, Ale, Porter, Cider, or Perry, to be drunk or consumed in the house or on the premises."

The original Clause was struck out, and the one proposed by Sir Edward Knatchbull put from the Chair.

Mr. *Warburton* said, on a former occasion he had objected to the principle of this Bill, on the ground of the inequality of its operation. This clause provided, that licences should be granted to persons to sell beer, but prohibited the drinking of it on the premises where it was sold. In his opinion, it would be quite ineffective; and in proof of that view of the case, he would appeal to the experience of the House with reference to the effects produced by the Bill, which authorized the sale of cider to be drunk off the premises. The law was evaded in a variety of ways; greater irregularities were produced than before existed, when cider was permitted to be drunk on the premises. The immorality which was occasioned by beer being consumed on the premises would not be put an end to by the prohibition; and he was of opinion, if this immorality should exist, it was much better to screen it from the public eye. What would be the effect of the proposed clause? Why, the retailer of beer would have an understanding with some one in the neighbourhood, and beer would be taken to a distance and drunk there; thus the consumption of beer would be the same, with this difference, that it would be consumed in private and retired places, instead of being drunk in a public place, and under the eye of the public and the magistracy. No legislation could prevent this; and he should, therefore, move as an Amendment, "that so much of the clause as prohibited Beer being drunk on the premises where it was sold, be expunged."

Major *Handley* admitted, that the Amendment which had been proposed by the hon. member for Kent, was a great improvement to the Bill; but as he viewed it merely as a *ruse*, he should support the Amendment of his hon. friend, the member for Bridport. He contended, that the same argument which was used when the Bill to authorize the sale of Beer was passed, with regard to the vested rights of those whose property was said to be affected by it, applied equally to the private rights of those numerous persons who had embarked in the beer-trade under the new law. Those rights were entitled to the consideration and protection of Parliament; and, being of opinion this clause was a gross violation of them, he should give his opposition to the clause.

Mr. *Parrott* should also support the Amendment of the hon. member for Bridport. The system of licensing had always been abused, and always would be. He knew of a case, as a Magistrate, where applications had been made to the Magistrates for licenses by three persons; two of them, who were high churchmen, obtained their licenses; the third, who was a Dissenter, was refused. It ought to be left to the same open competition that existed in every other trade; but this clause would have the effect of shutting up almost all the beer-houses in the country, and, as a consequence, the sellers of porter would have an opportunity of increasing the price of porter 2*d.* a-pot. He was sure, that the hon. Baronet was a friend to the farmer; but another of the effects of this Bill would be, to lessen the price of barley 5*s.* a-quarter. The annual consumption of barley would be reduced to 500,000 qrs., and, consequently, an injury to the revenue would accrue, of 500,000*l.* The more he considered this

Bill, the more he felt convinced it would have the most pernicious effects. He would, therefore, give it every opposition in his power.

Mr. *Tennyson* said, he should give this Bill all the support in his power. The great objects of the Bill for the sale of Beer, which were to produce a free competition, and to give a cheap and wholesome beverage, had signally failed. So far from free competition being impeded by this Bill, he contended it would be increased; because it held out inducements for every person keeping a shop in a town or village, to make beer, and sell it to the labouring man the same as he sold any other article of consumption. Hon. Members had said, this Bill would be productive of great mischief; but whatever that mischief might be, he was sure it could not equal the injurious and demoralizing effects which had been produced all over the country by the operation of the Sale of Beer Act. He thanked the hon. member for Kent for having introduced such a measure, as he was convinced it would tend to cure the dreadful evils which had resulted from the present system. He knew, that he was treading upon unpopular ground; but he felt himself bound in justice and in honour, to give his opposition to a measure that had gone far to demoralize the people of this country. It was his intention to move, that for the future no more beer-houses be licensed beyond the present 33,000 already licensed. He would recommend the House to rest at the clause of the hon. member for Kent, but at the same time he thought some protection should be afforded to the 33,000 whose vested rights, as they were termed, would be affected by the Bill.

Mr. *Slaney* was of opinion, the case had been overstated on both sides. The system had been heretofore a comparatively close one: it was subsequently opened: and now the country, from one end to the other, rang with complaints of the evils produced by the sudden re-action. There never was an opinion more general—even in reference to the comforts and happiness of the poorer classes themselves—than that some change in the present Beer Act was absolutely necessary. The question then was, what was that change to be? He was a member of the Parliamentary Committee which sat to investigate the operation of the sale of Beer Act; and he could safely say, that the greatest bearing of the evidence adduced on it, was decidedly favourable to an alteration in the present law as it now stood. The evidence before the Committee, also, showed, that in large towns, the operation of the Act had been highly beneficial; for it had produced the effect of lowering the second necessary of life to the working classes one-sixth, or at least one-eighth. No doubt the first operation of the Act on towns was to cause a flush of drunkenness among the people; but its permanent effect was, and would be, undoubtedly, to supersede ardent spirits, which would be a blessing to the country. But in rural districts, with a bad police and thinly inhabited, its effects were the direct contrary; association led to indulgence in the pernicious liquor, generally supplied by the monopolizing brewers, and indulgence led to debauchery and every kind of crime. He admitted it would be very unreasonable to shut up all the shops in the country districts; but if any measure could be enacted which would have the effect of taking away all the objectionable ones among them, and leaving only the respectable and well-conducted, could any one say it would not be an improvement of the system, and a service to the country? This he firmly believed the Bill of his hon. friend, the member for East Kent, would effect: for in rural districts it would be impossible for any man to get a certificate who was of a bad character, and the clause rating applicants up to 10*l.* a-year at least would have the effect of insuring good character. If, however, this Bill should not be found sufficiently stringent, by the next session of Parliament, when its operation should have been tried, the House would be enabled to pass a stricter measure.

Mr. *Henry Handley* regretted, that the hon. member for Lambeth had altered his notice of Motion at the eleventh hour. He (Mr. Handley) was satisfied, that of the 33,000 beer-houses in the agricultural districts, very few would be swept away by the present Bill. That evils had arisen out of the law as it now stood was undeniable; and he was of opinion, that it had effected none of its contemplated objects. For instance, beer was no better and no cheaper than before it passed, and the monopoly of the great brewers was not in the slightest degree injured. When the amendment of his hon. friend the member for Lambeth should be disposed of, he

(Mr. Handley) should propose another, to the effect of limiting the consumption of beer on the premises.

Mr. *Fysche Palmer* said, the evidence taken before the Beer Committee, and the reports founded on it, were worth nothing at all. The evidence was really the most absurd that had ever been given before any committee, and that of some of his brother Magistrates most especially so. Every crime in the calendar was traced by them to the Beer Bill; sheep stealing was never heard of before; in fact, no vice, no demoralization was ever known in the country, according to their opinions, until the Beer Bill came into operation. He confessed, he did not think the evidence of persons who viewed the matter through such a medium, was much to be regarded by that House. The House had had some experience of what might be expected from prohibiting the consumption of beer on the premises. It was well known, that when the prohibition existed, beer was purchased at one house, and the people met at another and drank it; benches were placed even by the roadside, a plot of ground was staked round with hurdles, not more than twenty yards from the beer-shop, and there the beer was consumed. Could the consumption of beer on the premises, he asked, be attended with worse effects than these? On the contrary, he was convinced, that, under proper regulations, it would be attended with very great advantage to the lower orders. By means of this Bill, those who, on the faith of the Beer Act, had expended their little capital on beer-shops, would be utterly ruined; and thus not alone would injustice be done to them, but the country would also be injured by the additional amount of pauperism with which it would certainly be burthened. If they were to be dispossessed of their holdings, they should at least get time to dispose of their property, and convert it into money. It had been said, the beer was no better under the present system than it was under the old one. He denied the fact most positively; he frequently tasted the beer himself; and he asserted, that it was a great deal better in quality; and the reason was obvious. He would state, as a proof of this assertion, a circumstance which occurred in the county of Berks. Under the old system, it was the practice of all the great brewers, within a tract of country comprehending forty miles in width, and fifty in length, to meet once every week, to determine what the price and quality of the beer should be for the next week; and the contract which was then entered into was never known to be broken. A stranger could never get in among them; and the consequence was, that the people had to drink the worst beverage that ever was brewed. The brewers all made fortunes, because nobody else could obtain a living by the sale of beer in that district. He should, therefore, strongly oppose the present measure, because he believed it to be a great injustice to those who had embarked all their property under the belief that they would be protected by the Legislature, and because he considered many of the evils of the old system would be renewed.

Sir *George Strickland* concurred, that the present Bill would be productive of great injury, and inflict gross injustice on those who had vested their capital in beer-houses, and should, therefore, give the clause his decided opposition.

Mr. *Ayshford Sanford* contended, that no injury would be done to those who kept beer-houses by the operation of this clause; it did not prevent them from selling beer; it only gave permission to others to sell beer to be consumed off the premises. He thought the present Bill would remedy many of the great evils produced by the Beer Act, and should, therefore give it all the support in his power.

Mr. *Heathcote* considered the proposition of the hon. member for Kent the most preferable. Its effect would be, to get rid, not so much of the Beer Bill, itself, as the evils that had been produced by its operation. That those evils had prevailed throughout the country to a most alarming extent, he apprehended no man would deny. He should therefore vote for the clause which had been substituted by the hon. Baronet the member for Kent.

Mr. *Guest* said, the injurious effects produced by the Beer Bill were undoubtedly very great in the agricultural districts, but they had increased in a tenfold degree in the populous districts, and in manufacturing towns. The beer could not be worse than it was now; but it might be greatly improved. It was his intention to support the clause.

Mr. *Parker* was determined to vote for the clause proposed by the hon. Baronet;

but at the same time he did not feel satisfied in doing so without some provision being made for the vested rights of those whose property would be very much injured if the Bill passed into a law. They heard a great deal in that House about the vested rights of the rich man, while those of the poor man were passed by unheeded. As much respect, however, was due from that House to the one as the other, and he should propose a separate clause to the House, to secure the vested interests of those whose property would be affected if this Bill passed into a law.

Mr. *Cayley* should give his support to the Amendment of the hon. member for Bridport. He could not help observing, at the same time, that vested rights were not so much mixed up with the consideration of this question as had been supposed by many hon. Members.

Mr. *Robert Palmer* said, that of all the measures that had ever passed that House he believed the Beer Bill had been productive of the greatest evils. In corroboration of what he stated, he would only refer to numerous petitions he himself had presented from grand juries, magistrates, clergymen, farmers, and many labourers themselves, all in condemnation of the Bill, and praying that it might be repealed. It had been very generally supposed, that the Magistrates wished the present system to be abolished, in the hope of gaining some of the power it was said they had lost by it. He denied that such was the case. It was well known, that the duties they had to perform in licensing public-houses were of a most unpleasant character, and subjected them to great inconvenience. He would refer to the charges pronounced by the Judges to the Grand Juries in all parts of the country, to show that those learned persons attributed a great deal of the crime that had increased to such an alarming extent, to the injurious effects of the beer-houses. He was persuaded, that the greater portion of the evils produced by this measure were owing to the consumption of beer which took place upon the premises where it was sold; and until that could be proved to be a benefit to the country, he should give the clause of the hon. Baronet, prohibiting such consumption, his hearty support.

Mr. *Potter* observed, that the complaints had been very loud and frequent on the demoralizing effects which had been produced by the sale of beer; but he believed, that where one had been demoralized by the use of beer, ten had been demoralized by the use of ardent spirits.

Mr. *Wilks* said, that notwithstanding all that had been said with regard to the injurious effects produced by the Beer Bill in agricultural districts, only sixty-seven petitions had been presented, signed by 10,240 persons, during the present Session of Parliament, while those presented for the abolition of slavery, and the redress of grievances of the Dissenters, amounted to five or six times that number. He contended, that the only object of this Bill was, to obtain for the Magistrates a restoration of that power they had lost by the Beer Bill. To show what had been the effects of the licensing system, he would only refer to what had been stated by the hon. member for Lambeth on a former occasion. A house situate in the parish of Lambeth that produced a rent of only 50*l.* a-year before it was licensed, was sold for 5,500*l.* immediately after the license was obtained. The House had been told, that the Beer Bill had been productive of a great increase of crime. It was easy to make those bold declarations, but it was difficult to support them by facts. The very reverse was the fact. In the county of Essex in the year 1831, before the Beer Bill came into operation, the number of convictions at the Sessions amounted to 368, and at the Assizes to 172. In the year 1832, which was the period when the Bill was in operation, the number of the convictions at the Sessions was 298, and at the Assizes they were only 88. This statement, therefore, showed a diminution of one-half. He appealed to facts rather than assertions; and he trusted the former would weigh with the House rather than the latter. If this clause should pass, he would propose another clause to the consideration of the House, to the effect that the two first clauses of this Bill should not operate on existing establishments, so long as the premises were occupied by the same parties.

Mr. *Benett* said, he was formerly one of the supporters of the Sale of Beer Act, but he was now fully convinced of the evils it had produced in the country. He thought the proposition of the hon. Baronet would remedy many of the evils produced by the operation of that measure, and he should therefore support it.

Mr. *Mark Philips* thought it desirable there should be some check on the parties who kept the beer-houses. He knew that, in some of the manufacturing districts, many of the proprietors of these houses were actually receiving parochial relief at the time they kept them. In any alteration, however, that should be effected, respect ought to be paid to the vested rights of the parties affected by it.

Mr. *Briscoe* gave his support to the proposition of the hon. member for Kent, because he was of opinion, it would increase the consumption of beer, and be the means of producing a beverage of a much better quality, and at a more reasonable price.

Major *Beauclerk* thought, that the greatest respect should be paid to the interests of those poor persons who had embarked all the property they possessed to obtain a livelihood by the means this Bill had held out to them.

Mr. *Hume* said, as the House was legislating for poor persons, they ought to consider their wants with reference to the situation they held in society. Suppose a House of Commons composed of such persons who principally consumed the beer at these houses, the first thing they would do would be to put down club-houses, because they encouraged gambling: they would not do anything that would curtail their own enjoyments. He put it, therefore, to the House whether they would consent to deprive the poor man of the little enjoyment he obtained at the beer-shop after his work was concluded. He believed this clause was a great encroachment on the freedom of the poor, and therefore he should support the Amendment.

Sir *J. Sebright* said, that persons of every class in the county he had the honour to represent united in reprobating the Sale of Beer Act measure. He had presented petitions from a great many of the labourers themselves, setting forth the evils it had produced, and he pledged himself to present a petition to that House that should be signed by every labouring man in one of the districts in the country, praying that the law should be immediately repealed.

Sir *E. Knatchbull* briefly replied. He believed, that his plan would be the only remedy for the evils which the demoralizing measure it was intended to amend had produced throughout the whole country.

The Committee divided on Mr. Warburton's Amendment—Ayes 23; Noes 141; Majority 118.

List of the Ayes.

Aglionby, H.
Attwood, T.
Bainbridge, E. T.
Beauclerk, Major
Blackburne, J.
Codrington, Sir E.
Fielden, J.
Gaskell, D.
Godson, R.
Grote, G.
Handley, B.
Hume, J.
Lowther, Lord
O'Reilly, W.
Palmer, C. F.
Parrott, J.
Potter, R.
Roche, D.
Scholefield, J.
Strickland, Sir G.
Trelawney, W. L.
Walter, J.
Wilks, J.

TELLER.
Warburton, H.

The House resumed—the Committee to sit again.

Reform Act.] Colonel *Evans* rose, pursuant to the notice he had given, to move for leave to bring in a Bill to amend the Reform Act, in that part which made the payment of rates and taxes an essential qualification for voting at elections. He had last year tried, without effect, to induce the House to adopt this Amendment of the Act. He feared, that he should not be more successful on the present occasion, though he had now a strong argument in favour of the Motion,—in the evidence which had since been afforded of the practical operation of that clause in disfranchising vast numbers who would otherwise be entitled, and to whom the Bill intended to give the right to vote. What he sought to have done was, the omission from the 27th clause, which gave the right of voting in boroughs, of the following provision—"Nor unless such person shall have paid on or before the 20th day of July in such a year, all the poor-rates and assessed-taxes which shall have become payable from him in respect to such premises previously to the 6th day of April then next preceding." If the House should not be disposed to go thus far with him, and consent to the omission of those words, he would even be content with a much slighter change than the one he had proposed; he would be satisfied with the substitution of "the 6th day of October" for the "6th day of April" then next preceding. [Lord Althorp expressed his dissent.] He was sorry to see, that the noble Lord did not assent to his very moderate proposition. His own object was to give full effect to the proposed intentions of those, who drew up the Reform Act; and it could be shown, that the wording of this Clause had had the effect of disfranchising many thousands throughout the country. They might as well have made the payment of rent the test of qualification: and indeed it was at first proposed in the Reform Bill, that the payment of rent should be a qualification; and the public owed it not to Whig liberality, but to the exertions of an hon. and learned Gentleman (Sir Edward Sugden) the late unsuccessful candidate for Cambridge, that that test did not now form a part of the Act. Thus the public owed it to that learned Gentleman's exertions that some hundred thousand electors, now entitled to vote, were not disfranchised, as they must have been if rent were allowed to continue as a qualification. In the very moderate proposition with which he had said he would be satisfied, all that would be done would be to give the ratepayer the advantage of six months—that was, that he should have paid the rates and taxes up to the October instead of the April preceding. The payment of rates and taxes had been, under the former state of the law, made a fertile source of corruption, and he feared, that in time it would become so under the Reform Act. They had heard of the practice of attornies or agents in boroughs paying the poor-rates of many voters on the condition that if there was a contest they should vote for those whom those attornies should name, and then when they had got a certain number of votes going about seeking for a candidate who might offer himself on their terms. This was a practice which had existed to a great extent under the former state of the law. Would it not be well to anticipate and provide against its recurrence by removing so fertile a source of corruption? When he brought this subject forward last year he was told, that there were several other Members who had alterations to propose; that it was then much too soon to suggest or propose any Amendments, as they ought to wait to see how the Bill would work. They had now, however, seen how the Act worked, and Government had taken away one argument against a change by the proposing an Amendment to the Act. He did hope that the House, having passed the Bill, would now consent to render it efficient by carrying the original intention of the authors of the Bill fully into effect. It was calculated by the noble Lord (Lord John Russell) that the Bill would create a million of voters; but experience had shown, that the number actually entitled to vote was little more than half a million, the deficiency from the numbers originally announced being at present not less than 470,000. But how did the House stand, as compared with the unreformed Parliament, in the number of placemen, pensioners, and sinecurists, who had seats in it? It appeared from the report of a Committee laid on the Table of that House, that there was only a difference of three in the numbers of that class between the late and the present Parliament. As he knew from the present constitution of that House, that any Motion which the Government might oppose was sure to be negatived, he felt that he had little or indeed no chance of having his Motion carried. Yet he still felt it his duty to move a Resolution, embodying his opinion as to the necessity of a more complete reform, for the purpose of placing it on the journals of the House. He would therefore move the following Resolution:—"That this House deems it expedient to repeal or mitigate such Clauses of the Reform Act as have been found to have an unexpected restrictive operation, particularly those regarding the payment of rates and taxes; and that a revision of the Reform Act with this view is the more urgent—because the new constituency has been found to fall short, by almost half a million of voters, of the number Government contemplated, and the public were led to expect; because the present House of Commons comprises about the same number of family representatives of the hereditary branch of the Legislature, and about the same number of placemen, pensioners, sinecurists, and other dependents of the Crown, which were to be found in the unreformed Parliament which preceded it; because it is vain to expect an independent line of conduct from a Parliament containing so large a proportion as 169 Members who are in the receipt of 150,000*l.* per annum of the public money; and finally, because this House has in effect entirely failed to satisfy the just expectations of the public."

Mr. *Hume* rose to second the Motion, though he had not seen it or been aware of its exact nature until he had now heard it read in the House. He had been the Chairman of the Committee to which his hon. and gallant friend had alluded, and he could say, that all the statements made in the report were founded on the authority of documents signed by the parties who presented them. His reason for rising to second these Resolutions was, that the objection which he had originally taken to the Clause restricting the right of voting to the occupiers of 10*l.* houses, who had paid up their rates and taxes, remained unaltered. The restriction was unjustifiable, rather on account of the principle involved in it, than on account of the pecuniary payment which it required. So objectionable was the principle of it, that to his knowledge, in one parish alone, 1,580 persons had voluntarily abandoned their right to the elective franchise. The noble Lord would remove a great objection which many persons felt to the Reform Bill, if he would permit this Clause to be modified, even if it were not altered altogether. There would not be more than 600,000 electors at the next registration; and that would be owing to the Clause depriving half of the elective body of their franchise.

Lord *Althorp* was not surprised at finding these Resolutions proposed by the hon. and gallant Representative for Westminster, but he was surprised to find any Gentleman bold enough to state, that he seconded Resolutions of such a character without having perused them previously. The first of those Resolutions stated, that it was desirable that the House should enter upon the consideration of the propriety of modifying the Reform Bill. Now, he did not think that such an inquiry was desirable. The hon. and gallant Officer said, that we should enter into the consideration of the right of franchise, because we had already entered upon the consideration of a plan for modifying the mode of registration. But the mode of registering the electors involved a very different question from that of the proper amount of the elective franchise. This principle of making the elective franchise depend on the payment of rates and taxes was not a new principle in our system. It was part of the old scot-and-lot system. The object of the framers of the Reform Bill, after making a 10*l.* occupancy the basis of the elective franchise was, to prevent that standard from being evaded. With that view this Clause and these restrictions were introduced. He thought that after Parliament had declared, that a 10*l.* occupancy should give a vote in boroughs, it was essentially necessary that the occupancy should be *bona fide*. From the experience which he had derived from the result of the last general election, he was convinced more than he was before it, that the franchise which the Government had selected was the proper franchise. If they looked at the new constituencies, it would be found, that, though most of them had conducted themselves well, those who had conducted themselves best were the 10*l.* constituencies. There were other topics to which the Resolutions of the hon. and gallant Officer referred, and on which he would take the liberty of saying a few words. One of them referred to the impropriety of the eldest sons of Peers, in which predicament he stood, occupying seats in the House of Commons. On such a subject he might perhaps speak with some degree of prejudice, but he did not see that there was, according to the constitution, any objection to their having seats in that House. As the law stood at present, the constituencies of the country were free to choose whomsoever they pleased, whether those persons were sons of Peers, or whether they were unconnected with the nobility. The hon. and gallant Officer had also made a similar observation with respect to placemen. He had said, that the number of placemen in the House was eighty-six. He (Lord Althorp) was surprised at that statement, for he certainly had thought that the number was not so great. The constituencies, however, knew whether the persons who sought their suffrages held offices or not; and if they chose to elect persons holding such offices, that was no reason for revising the Reform Bill. As to the proceedings of the House not giving satisfaction to the country, that was a point on which he differed from the hon. and gallant Officer. That they did not give satisfaction to the hon. and gallant Officer, he readily believed, for that hon. and gallant Officer generally voted in the minority, and a Gentleman in the minority was in the habit of believing that more persons agreed with him out of doors than actually did. On these grounds he should oppose the Resolutions.

Mr. *Roebuck* supported the Resolutions. The 27th Clause of the Reform Act, compelled every 10*l.* householder to pay his rates and taxes on a certain day, if he wished to enjoy the right of suffrage. Now, if a man did not pay those rates and taxes by a certain day, he lost his suffrage; but the State did not lose its revenue, for it made him pay his taxes afterwards, and that being the case, the individual ought in his opinion, to retain his right of voting. The only advantage, if advantage it could be called, of this Clause, was its tendency to narrow the constituency, and to place the suffrage in the hands of a few persons for their own benefit and for the injury of the many. He complained, that the noble Lord opposite, by placing this Clause in the Bill, had placed in it a ruinous principle. When distress pervaded the country the poorer class of voters would, of necessity, be most anxious to make their cries heard by the Legislature, and yet at that very time most of them would be disfranchised by their incapacity to pay their rates and taxes. Why should the poor at that time be disfranchised? Did the noble Lord suppose that, if distress fell on the poorer electors, that distress deprived them of the education, the intelligence, and the probity, which they possessed in the year before? And yet owing to accidents, over which a man might have no control, an individual who enjoyed comfort one year might be reduced to great inconvenience the next; and then his sufferings were to be aggravated by the noble Lord's telling him, "You are deprived of your *status*—you are no freeman—you are poor, therefore your elective franchise shall be taken from you." He wished the House to consider what was meant by the words "narrow constituency" in England. Those words meant a rich constituency, and did a rich constituency speak the voice of the people of England? Certainly not. They did not speak the voice of its artisans, who formed the most intelligent and patriotic class. Did distress fall on the rich shopkeeper and gentleman? No; it fell on the working artisans, who, he repeated, formed the most intelligent and patriotic body in the community. He was speaking of the *élite* of the artisans—of such of them as occupied 10*l.* houses. Why were such men worthy of the franchise one year and unworthy of it another? He did hope that the noble Lord would not tell him that this enactment was necessary for the collection of the revenue. It was not so, for the man was equally compelled to pay his taxes whether he secured his vote or not. The rating must be a real not a nominal rating, and pay it the man must. How, then, could the noble Lord justify this mode of robbing the constituency of a franchise which the Reform Bill pretended to give them, but of which this Clause positively deprived them?

Mr. *O'Connell* said, recent events had shown, that it was very necessary that something should be done to amend this Clause about rates and taxes, for at Cambridge seventy voters had been disfranchised, because the collector of taxes had received their money and had run away with it without acknowledging its receipt. Now, there was no election on the result of which the fate of the Government, and he might perhaps say of the country depended so much as on that at Cambridge. It was quite clear, that this number might have turned the trepidating scale either way. After the spectacle of public buffoonery which had been exhibited in all manners of ways at Oxford, in order to influence public opinion against the Government, he knew not what might have been the effect of a real and substantial victory over it at Cambridge. He understood that owing to the operation of this clause, the number of voters at present registered fell short of the number which had been anticipated before the passing of the Reform Act by not less than half a million. Instead, then, of pursuing a restrictive system, the Government, if it acted wisely, and wished to stand well in the opinion of [the people, would adopt the principle of this Motion, and consent to this extension, or rather increase, of the franchise. In many boroughs, the constituency had been rendered very narrow by acting on the principle it was now proposed to amend. In the borough of Harwich, there were not more than 170 electors; in that of Portarlington there were not 100. He did not mean to find fault with the choice made by those electors, nor to impute to them improper motives; all he meant to say was, that in those boroughs the votes would soon be of as much value as votes were in any of the close boroughs recently destroyed. It was his belief that we owed reform more to accident than to design. The Administration now in power succeeded in acquiring office owing to the imprudent and uncalled-for declaration of the Duke of Wellington against Reform. The oligarchy there made a mistake, but those who succeeded it, found that they could not avail themselves of that mistake unless they obtained the advantage of popular aid. They got that aid, and then they acted upon the principle of giving to the people as little Reform as they could to suit their own purposes. Even that little Reform they clogged with restrictions, and no restriction could be more effectual for their object than that of making the payment of rates and taxes a preliminary to the possession of the elective franchise. Owing to that restriction, the amount of the constituent body was hourly diminishing throughout the country, and there was not, he believed, a single borough in the kingdom in which the constituency had not been regularly decreasing from the passing of the Reform Act down to the present hour. He therefore agreed with the hon. and gallant Officer in thinking, that the House ought to adopt these resolutions, and by so doing, increase the number of electors throughout the kingdom. Neither from courtesy nor from principle was he inclined to object to the system of electing the sons of Peers Members of that House; but there certainly was one objection to which that system was and would be liable, so long as the duration of Parliaments was septennial. The noble Lord opposite, had certainly been elected a Member of the House of Commons for a long series of years; but he was an exception from the general rule which applied to the eldest sons of Peers. If they were elected for one Parliament, they were elected for as long a period as they would probably have to sit in that House. Seven years was about the probability of the duration of the life of any Peer who had a son old enough to sit in the House of Commons. That being the case, the eldest son of a Peer might vote as he pleased, as he was relieved from the responsibility which attached to the votes of other Members of that House. He would give them an instance of what he meant. A noble Lord, who in the last Session of Parliament was member for the county of Perth, had assailed him on the first night of it, and had afterwards voted with the noble Lord in support of the Coercion Bill. Would that noble Lord have been returned again to Parliament for the county of Perth after those votes, if he had had occasion to appeal to his constituents? He thought not, and for this reason—that a person of politics opposed to those of that noble Lord had been recently returned for that county. The son of a Peer, in that situation, had this advantage then over other Members—he voted as he pleased, because he did not expect to come among them again. It was therefore the duty of the House, if they intended to act upon the principle of the Reform Bill, to accede to the principle of these resolutions. He wished to see them modified; but still he should feel it to be his duty to support them.

Mr. *Thomas Attwood* said, that this clause had disappointed the expectations of the inhabitants of the town which he had the honour to represent. Whilst the Reform Bill was under discussion, the people expected at Birmingham, that that borough would have about 18,000 voters. There were 18,000 10*l.* houses in that town, and it was expected, that there would have been as many votes, as the occupiers of those houses paid their rents regularly and punctually. It was now his painful duty to state, that he had only 4,000 constituents. He had no reason to complain of them, for they had returned him unanimously; and so, too, would the 18,000 voters, if they had been properly qualified. He thought, that a fraud had been committed on the country by inserting this 10*l.* franchise clause into the Bill. Under its operation, not only had the householders to pay up the rates and taxes on each 10*l.* house, but they had also to see that the entry of those payments was made in our own names. In Birmingham, two-thirds of the houses were rated in the names, not of the occupiers, but of the landlords; and thus there were disfranchised 14,000 of the best and of the most patriotic men in England. He was happy to have this opportunity to confirm the statement of the hon. member for Bath—that these artisans were the best, and worthiest, and most patriotic men in England; and yet in this way had they been disfranchised. He should support the resolutions of the hon. and gallant Officer, because they were calculated to enlarge the franchise under the Bill of Reform. At present, it was a fraud upon the people of England, and therefore he was ready to support any just and practical enlarge-ment of it. It was a great measure, undoubtedly, but still it was a fraud on the people, because it had not given them half that liberty, nor half that prosperity which they had a right to expect.

Lord *John Russell* felt himself called upon to contradict, with all due respect, an expression which had just fallen from the hon. member for Birmingham. The hon. Member had said, that before the Reform Bill became law, it was expected that Birmingham would contain 18,000 voters. Now he, for one, had never either felt or stated such an expectation. He had said, that the Reform Bill would give to Birmingham 5,000 electors, and it now appeared, that the actual number of electors there only fell 1,000 short of that amount. The Bill of Reform, which gave to 4,000 electors the right of returning two representatives for a town which had never before possessed that right, was in his opinion a thorough Reform. He was sorry, that it had not produced all the prosperity that was expected; but he had an odd notion, that what the hon. Member called prosperity was only another name for the 1*l.* notes. Certainly the Reformed Parliament had not adopted the hon. Member's panacea for all the evils of the country, and he was not certain that the consequence of enlarging the elective franchise as the hon. member for Birmingham wished would be that prosperity which that hon. Member took so much pride in proposing and vindicating. He must also contend against the assertion, that the Reform Bill was a fraud on the people of England, or that it was the least Reform which the Ministers could give with safety to themselves. On the contrary, it was at the time generally said, and with great plausibility and truth, that if a Bill for a less Reform had been proposed, the people of England would have received it, and would have been satisfied with it as enough. But Ministers proposed a scheme of large and extensive Reform, because it was more likely to be permanent than a less Reform. That was the ground upon which the Reform Bill was introduced—that was the ground upon which he was now prepared to stand by it. He was not prepared for a measure which would carry Reform further. The present Reform had given the people of England—he was not now speaking of the people of Ireland—the power of electing their own Representatives. He thought, that the repeal of this restriction would not give them that power more fully. With regard to the observation which had fallen from the hon. and learned member for Dublin, upon a transaction connected with the last election at Cambridge, he would merely remark, that the overseer at Cambridge had kept two sets of books. In one, he had entered the names of those who were claimants, and had paid him, and in another, he had entered the names of those who had paid him, but whom he had not admitted as claimants on the register. That was a fraud for which he was liable to punishment. But he died soon afterwards, and he did not know of any Bill by which they could punish a dead overseer. He had not heard anything in the course of the present debate to induce him to come to a different opinion from that which he had formerly expressed—that Parliament, having sanctioned this Act of Reform, it was not necessary to go further, for it gave the people the power of electing their own Representatives, which was theirs by right and by law, and of which he thought they had made a very proper use.

The House divided—Ayes 37; Noes 124; Majority 87.

RIBAND TRADE.] Mr. *Henry Lytton Bulwer*, in moving for leave to bring in a Bill for the protection of the Riband trade by means of prohibition, said, he was aware, that it was necessary for him to make out an extraordinary case, in order to justify prohibition, and he admitted that he was bound to show, that this was the only means of relieving the distress and depression of that particular branch of manufacture. The hon. Member entered into a lengthened statement, to show, that great distress existed in the riband trade, that this was caused by the competition of the French manufacturers, and that the prohibition of their commodities was the only means of saving our own trade. He observed, that, in 1832, it was distinctly proved that the poor-rates in Coventry (the principal seat of the riband weaving trade) had reached to nearly double their amount in 1827, and that of 10,000 looms, 8,444 were entirely unemployed. Out of a population of 8,000 persons within a given district, 3,000 were wholly dependent on parochial relief for subsistence. The distress had since gone on augmenting, as appeared from the evidence taken before the Committee. The wages of weaving had been reduced thirty per cent within the last three years; and everything connected with the riband trade was in the lowest state of depression. In France, the manufacturer possessed great advantages over his rivals in this country. He purchased silk at a lower price, gave a lower rate of wages, and was at less expense with regard to patterns. The importation of French ribands had increased in one year—between 1833 and 1834—from 110,000*l.* to 218,000*l.* While the riband-trade was falling off in England, it was augmenting and flourishing in France, where the number of looms was increasing. Fashion was on the side of France, which obtained a priority over the manufactures of this country. But if French goods were prohibited, the French manufacturer would either be obliged to imitate our goods, which would give us the priority of the market, or else he must make a different article, and then the fraud would be discovered should any be smuggled into this country. Prohibition was the only effectual remedy for the depression of our riband trade, because fancy articles of that kind could not be manufactured in this country if exposed to French competition. He hoped, that the next Commission sent abroad would not be to the French Government, but to the French milliners, to acquire a knowledge of fashions and fancy articles; and he should not object, if the right hon. Gentleman (Mr. Poulett Thomson) undertook the Commission himself. Our economists had begun at the wrong end—they ought first to have taken the protection off corn, and then proceeded to manufactures. But, as they adopted a contrary principle, and contemplated an adequate protection to every interest by imposing certain duties, then they should, in consistency, go with him even to the length of prohibition, if that were the only means of protecting this particular branch of manufacture. If they opened the English ports to foreign corn, and if France established a fair system of reciprocity with us, the case of the riband manufacturers went to the ground. But, if the House pursued the present system, then, with whatever reluctance it might be resolved upon, he saw no other alternative for the interests of the riband manufacturers than that which he proposed—namely, prohibition. He would fain have proposed a better remedy, or one more conformable with the liberal principles of the present liberal age; but he felt convinced, that only prohibition would reach the evil, and alleviate the distress now felt by our manufacturers. The French silk-manufacturer would either not imitate us, and therefore would be excluded from our market; or they would imitate us, and so put our manufacturers upon a level with themselves, opening the market of fashion to our operatives. The main argument in favour of prohibition was, that it must secure to the English manufacturers the priority of fashion, which was the great end aimed at by both the foreign and the home manufacturer. Whatever was the prevailing fashion or taste, commanded the market. Now, all looked to the French for the patterns; but, if their silks and ribands were prohibited, then, to get into the market, as before they used to do, by smuggling, they must copy our manufacture closely; and thus lose the priority they now enjoyed, of giving us the fashions in silk. It was of no use to adopt, as a remedy, anything which must be in the experiment unequal to the end they had in view; and it was on this account that he was emboldened to propose to the House absolute prohibition, because he felt, that nothing short of it would effect the relief of the silk manufacturers of this country. There was one other consideration which he would submit to the House, and it was this—they should recollect what the disposition of the party was against whom he called upon them to act thus. Had the French shown themselves disposed to join us in fair terms of commercial intercourse?—or, were they not rather predetermined not to reciprocate equitably with England the benefits of trade by an equable reduction of prohibitory and protecting imposts? It was but too clear what was the real policy of the French Government towards this country, in the preference which the Belgians had enjoyed always in their ports over Great Britain; but that which spoke volumes was, the admission into France of coal and iron from Belgium in preference to better coal and iron from British ports, on the shallow pretext, that the distinction was unintentional, and happened merely because one was borne by land or canals, whilst the other was borne by sea. These distinctions should put the House and the Government on its guard against the delusions which were attempted to be practised by France. He wished, above all things, that the Government of this country would see, that it was its duty to be consistent in cases of an analogous nature, and not attempt to cherish one trade by prohibitory enactments, whilst they overwhelmed another trade by inviting foreign competition, through the opening of our ports to the foreign silk manufacturer. With these views he should move for leave to bring in a Bill for affording protection to the riband manufacturers of this country by means of prohibition.

Mr. *Dugdale* had great satisfaction in seconding the Motion; and he sincerely trusted, that the House would consent to the introduction of the measure which his hon. friend, the member for Coventry, asked leave to bring in. He could assure the House, that the riband weavers of Coventry were in a state of pitiable distress; and the severe depression under which they laboured was, he was satisfied, the consequence of the system of free-trade which had of late years been adopted in this country. No persons could bear the deplorable situation in which they had been placed with more patience, or greater resignation, than the riband weavers had done; and their silent forbearance, he thought, gave them something like a fair claim for the protection for which they sought. They had hoped to gain some alleviation of the misery they endured from the Treaty of Reciprocity that was expected to be entered into between England and France. In that hope, however, as everybody knew, they had been disappointed; but, even had a Treaty of Reciprocity been agreed to by the two countries, it was his opinion, that the riband-trade especially would reap little or no benefit from it. Such were the advantages which the French riband manufacturer possessed over the manufacturer of this country, that competition between them was entirely out of the question; and, therefore, unless actual prohibition were resorted to, the French manufacturer must, as at present, enjoy almost exclusively the monopoly of our markets. In fact, it had been shown, by a history of the trade, that it never prospered except when prohibition was established. Gentlemen who were disciples of the free-trade principles would not agree to that; but, for his part, he could not conceive how that could be beneficial to any country which discouraged her own manufactures; and he thought, that it was the duty of every Government to attend to the interests of their own trade and commerce before those of any other country.

Sir *Eardley Wilmot* thought it was impossible to convey to the House an idea of the state of distress in which those poor and suffering people were involved; and it was absolutely necessary, that some means should be taken to afford them relief. Their distress did not arise, as some alleged, from the inferiority of their manufactures to those of the French: they could manufacture quite as well as the French; but they could not, under the pressure of taxation which they had to endure, manufacture as cheaply. He had no objection to cheap articles; but he would rather that they were produced by our own, than by foreign, manufacturers. He had presented a number of petitions on this subject; and all the petitioners asked was, that if the Government would not afford them protection, it would give them the means of emigrating.

Mr. *Ellice* stood in a peculiar situation with regard to the Motion before the House; and he, therefore, wished to state distinctly the line of conduct which he considered it his duty to adopt. He felt, in common with his hon. friend who had just sat down, and with every other gentleman who had spoken on this subject, the deepest sympathy for the distress under which those poor persons were suffering whose case had been represented to the House. He was bound to say, that, after a long acquaintance with those parties, their case, such as it had been represented to the House, had not been exaggerated. It was quite true, that this branch of trade, from a state of great prosperity, had declined to a state of great depression, owing to a variety of causes, which were, he was afraid, beyond their control; though he still hoped, that some means might be discovered for remedying them. If he for a moment thought that such a Motion as that brought forward by his hon. colleague was at all calculated to convert this branch of trade from a state of depression to a state of prosperity, he (Mr. Ellice) would not be the person to oppose it. But, in the first place, the hon. Member must be well aware that, no matter how cogent might be the arguments he should produce in support of such a proposition, it would be impossible to get it adopted by that House, or by the country. For what was his proposition? It was neither more nor less than that they should revert, by way of protecting this particular branch of trade, to the old prohibitory system that existed with regard to the silk-trade previous to 1825. The hon. member for the county of Warwick had stated, that while that prohibitory system was in force, the silk-trade was in a state of great prosperity. Now, he would not deny, that such was the case, nor did he mean to contend that the home manufacturer had not been injured by foreign competition. Indeed, at the time the relaxation took place, he stated, himself, that the riband trade of this country would be materially affected by a competition with the superior manufactures of France, Italy, and Switzerland,—that it would suffer more from the free-trade system than almost any other branch of the manufactures of this country,—and to this opinion he still adhered; for, being more exposed to competition than any other description of article, its depression was a natural consequence. But, although he admitted this to be the case, he would put it to the good sense of the House, whether a return to prohibitory laws was the means by which alone relief could be afforded to these distressed artisans? He was prepared to contend that, before his hon. colleague called upon the House to adopt his Motion, he was bound to show the advantage that was likely to accrue from it; but his hon. colleague had done no such thing, and therefore it was, that he (Mr. Ellice), being persuaded that no good could result from the proposition, felt it his duty to object to it. If his hon. colleague could convince him that, by recurring to the old prohibitory system, the introduction of certain finer descriptions of silks into the country would be prevented, then he would agree with him that such a course of proceeding might afford some chance, if not of an extensive, at least of a partial, relief to this branch of the trade. But, to carry that system into effect, they must go back to all the old penal statutes—they must have recourse to search-warrants, to search every shop in England; and they must have recourse to excise informations, supported upon very doubtful evidence, as to whether the article had been made in England or in France. He would ask the hon. Member whether he thought it possible that all the other classes of the community, that all the other trades and manufactures throughout the country, would, for the sake of this particular trade, submit to the erection of such an inquisitorial power? Such was, in fact, the proposition which his hon. colleague had submitted to the House; and he had not made out a case to show, that even the adoption of such a proposition would afford relief to his suffering constituents. In the particular position in which he was placed, he certainly would not vote against this Motion. He objected to such a Motion, because he was of opinion, that it would do no good. When he last met his constituents, he thought himself bound in fairness and in candour to state to them, when asked whether he would support such a Motion as that now brought forward by his hon. colleague, that, though he was most anxious to do anything for their relief, they had still to make out a case to him to prove, that such a course of proceeding would not only do them no good, but that it would do them no injury. His belief was, that the adoption of such a proposition would do them injury. If the hon. Gentleman would apply to his right hon. friend, the President of the Board of Trade, and lay any proposition before him by which he, or those on whose behalf he brought forward this proposition, thought that they could be relieved, they might be sure that it would obtain from his right hon. friend the most attentive consideration, with a view to afford, if possible, some means of practical relief. He entreated his hon. colleague not to press his Motion to a division. He might see, from the state of the House, that such a proposition had no chance of being carried. He repeated, that he felt as much as any hon. Member could feel for the distress of those poor people, and that he was anxious to devise, if possible, a practical remedy for it; but he, for one, would not delude them with the notion, that such a proposition as this would do them any good: on the contrary, it would do them a great deal of injury,—and, even if such a proposition should be adopted, it would be quite impossible that it could be fully or fairly carried into effect.

Mr. *Robinson* did not deny, that this

was a difficult question; but he would maintain, that it was the duty of the House and of the Government to devise some means for relieving the distress under which this branch of the silk-trade, as well as the glovers of Worcester and the hand-loom weavers, laboured. The right hon. Gentleman, instead of throwing the onus on his hon. friend who had brought forward this Motion of suggesting some plan of relief, should, as a member of the Government, have come forward with some plan of his own for the purpose. The right hon. Gentleman should bear in mind, that he now belonged to a Ministry which opposed the repeal of the Corn-laws. It was impossible to dispute the justice of what was put forward by the manufacturers on this subject—namely, that if they were to suffer from the policy adopted by the Government,—if they were to be exposed to the competition of foreigners,—then, in God's name, let them have cheap bread and cheap food. There was no answering that argument. They certainly were bound to give the people cheap subsistence, if they could not afford them employment and high wages. Was not the right hon. Gentleman, and the Ministry with which he was connected, opposed to any remission of taxes, by which alone they could obtain relief? It was impossible to relieve the people, unless by a remission of taxes, and by a repeal of the Corn-laws. They were now approaching to such a state, that, unless something were done for the relief of this class of persons, the monopoly of the Corn-laws must be abolished, and there must be a complete and thorough revision and commutation of the taxes. It was a melancholy thing to see those classes of the industrious population of the country suffering under such distress. He was determined, when he next met his constituents, to advise them not to apply to that House for prohibition as a means of relieving them, as he agreed with the right hon. Gentleman that no prohibitory system, however strict, would keep out those articles, and that circumstances stronger than the laws would force them into the country. He would advise them to apply for a relief from taxation. It was only by a remission and commutation of taxes, and by some relaxation of the Corn-laws —for he did not mean to say, that, with the peculiar burthens which the land had upon it, the Corn-laws should be entirely repealed—relief could be afforded to the labouring and manufacturing classes of the country.

Mr. *Poulett Thomson* said, the question before the House was of a very confined and limited description. It involved the propriety of establishing a prohibitory system, not applicable to the silk-trade generally, but to this particular branch of manufacture. To this point the arguments of the hon. member for Coventry were directed, and on this question alone was the House called upon to decide. Under these circumstances, he was sure the House would see the propriety of not entering into general topics connected with free trade (which could have no application at present), still less of discussing the Corn-laws, and, least of all, of entering into the question of the general taxation of the country. On all those points, when a fit and proper opportunity should occur, he should not be the last man to intrude his opinions upon this House. On this occasion, however, it would be much more convenient if he limited himself to the simple question introduced by the hon. member for Coventry. He must own, that he was surprised to hear the hon. member for Warwickshire (Mr. Dugdale) introduce the subject of free trade with respect to this particular article, especially after the speech of the hon. member for Coventry. Was the hon Gentleman aware, that the very article, the introduction of which he wished to prohibit, was now taxed to the extent of from forty to sixty per cent? It was originally stated, be it remembered, that the protection should not exceed thirty per cent, but, in consequence of the alteration which had taken place in the value of the article, the duty had increased to the amount he had just mentioned. The hon. Gentleman who seconded the Motion seemed likewise to have entirely overlooked all the arguments which were urged by the hon. Member who moved it. What was the argument of the hon. member for Coventry? "Talk to me of protection, said he; no, we have got that already, and we find it to be utterly and entirely inefficacious for the purposes at which we aim; consequently, I call upon you, not to protect these manufactures, for such protection is perfectly worthless, but at once to establish a total prohibition." Really the hon. Gentleman seemed to have a very singular notion of free-trade. He could conceive, that there were very large limits indeed, and that there was a very wide space indeed, between prohibition and, what he should call, free-trade. Certainly anything short of prohibition more stringent in its operation than the existing law, it was difficult to conceive. The hon. Gentleman's notion of free-trade might be correct. He would not stop to discuss the point, because it formed no part of the present question, which simply was, prohibition, or no prohibition. He thought the case had been put most fairly and ably by his right hon. friend, the Secretary at War; and, certainly, were he disposed to concede the principle—were he inclined to think, that prohibition might be granted—had he no regard to the general interests of the country, or its relations with foreign States, which were admitted, and candidly admitted, by the hon. member for Worcester, to form one ground of argument on this question—if he looked only to the interests of the parties represented by the hon. Gentleman, he should say, that they could not possibly have a worse service done them than to grant them the prohibition they desired. If he dwelt on this question, he should only repeat the argument of his right hon. friend, for in that was the whole question of prohibition included. If it were wanted to have prohibiting enactments on the Statute Book, he would ask, granting, for a moment, that they were right and good, whether there existed the means of carrying them into effect? He said, there did not. What was the existing state of the law? The duty at present was considerably higher than the cost of smuggling. Goods were therefore smuggled. And what was to prevent them being smuggled into this country, supposing the duty increased or transformed into a prohibition? The hon. Gentleman said, "I would have all the goods examined; I would find the means of preventing these smuggled articles from being sold." He begged to say, that any attempt to effect that was utterly and entirely out of the question. How would the hon. Gentleman effect it? Would he enter a shop and seize any goods exposed for sale, if they were supposed to be smuggled? Would he stop a lady in the street, and take from her a shawl, or a bonnet, or a riband, supposed to be of French manufacture? Then came the difficulty, formerly found to be almost insuperable, but which was now increased in a tenfold degree—the difficulty of distinguishing between goods of French manufacture, and goods of English manufacture. Why, even when the silk-trade of this country was in a rude state, for rude it was in 1825, before those rapid advances had been made which had since, so much to the honour of the industry and the intelligence of this country, been effected in this branch of our industry—cases of difficulty continually occurred? Did not the hon. Gentleman recollect, that parties, relying on their conscientious and firm belief, were prepared to swear that goods which had been manufactured at Manchester, or in Spitalfields, were of French production? If that were the case then, what would be the case now? It would be utterly impossible to put his law effectually into execution, even by again inflicting all the vexation, all the annoyance, and all the inquisitorial powers on the country which attended the general prohibitory system; which, he ventured to say, the people of this country would not suffer, if the attempt were made. The hon. Gentleman, if his plan were adopted, would fail completely in the object he had in view, because it would be out of his power to distinguish the foreign from the home manufacture. The hon. Gentleman had, very properly and justly, confined his case to the manufacture of one article, that of broad ribands; because there was no cause of complaint in any other branch of the silk manufacture. Nay, he knew that, in the town which he had the honour to represent, and which was now become the great seat of the silk-trade, there were no well-founded complaints; neither had any complaints reached him from Macclesfield or Congleton, both towns extensively connected with the silk-trade. The profits of the manufacturers were lower, perhaps, in that than in other branches of trade; but, although profits and also wages were low, there was full employment for the persons engaged in that manufacture. There was one point to which he wished especially to call the attention of the House, in consequence of what had fallen from the hon. Baronet, the member for Warwickshire. The case, it should be borne in mind, consisted of two parts, the interests connected with the plain, and the interests connected with the figured article of manufacture. The hon. Member who introduced this Motion represented a city where the latter article was chiefly manufactured, and his Motion had reference chiefly to the flowered and figured fancy ribands; there was good reason for that, because the only branch of the trade which could with justice complain of French competition was the figured riband. The hon. Baronet (Sir Eardley Wilmot) certainly did present some petitions the other day, setting forth the distressed condition of the parties engaged in the manufacture of plain ribands; but they had no possible ground of complaint against French competition. If it were necessary to support this statement by authority, he could quote that of a Gentleman largely concerned in that branch of the trade, who told him, that the remedy for the distress of that particular class of people, was not a return to the system of prohibitory duties. "All we ask (he said) is a drawback, or rather bounty, amounting to fifteen or eighteen per cent upon these articles, and then we can export them to France, and compete with the French manufacturers." The riband manufacture had completely changed within a few years. The broad plain ribands which were formerly worn by many classes of society, but more particularly by the less wealthy, were not now in request, scarcely any were to be seen, for the taste and fashion of the public had entirely changed. Let any Gentleman notice the sort of ribands worn by his own female servants; he would find, instead of plain ribands, that figured ribands, in consequence of the improvement of the manufacture, and of that natural feeling which existed from the higher to the lower classes of society with regard to objects of taste, were now almost the only article worn. The manufacture of plain ribands, therefore, had diminished, not by reason of foreign competition, but entirely in consequence of the change of fashion. Unless, then, the hon. Baronet were to bring in a Bill to prevent the fashion from changing, he would not be able to restore to these parties the business which they formerly enjoyed. The reason why the parties who now complained were out of employment was obvious; they would pertinaciously adhere to their old mode of employment, notwithstanding the improvements in machinery and the changes in fashion. They refused to turn their capital and skill into a new channel, and the consequence had been (as might have been expected), that branch of industry had been transferred to other places—Manchester, Macclesfield, Congleton, and their respective vicinities, had taken possession of it; and he feared, that it was now too late for these parties to regain it. He had the evidence of the parties themselves on this subject. In the declaration made by the manufacturers at Nuneaton a few years ago, the cause of distress at Coventry and its neighbourhood was plainly indicated;—'It is said (they observed) that, 'by our neglect of improvement, our trade 'has passed from us in consequence of 'competition, not from abroad, but at 'home; and we have now found out that 'which is a truth in all commercial matters—that, once having lost the priority 'in the market of demand and supply, 'it becomes a most difficult, if not an impossible thing for us to regain it. We 'have been thrown out of the course, 'backwards, and our places are supplied 'by others, not by foreign, but by home 'manufacturers, and we are now suffering 'from them.' So much for the cause of distress in Coventry of the plain riband weavers, represented by the hon. Gentleman. With regard to the fancy riband manufacturers, it was true, that they had suffered to a certain extent by competition; but he believed, that competition was inevitable, because, whether there had been prohibitory duties or not, it must equally have taken place. But no man, who had watched the state of things in Coventry, could deny, that these parties had also suffered much by their own unwillingness to introduce the improvements in machinery and manufacture which were in the possession of those with whom they had to compete. The hon. Baronet had said, that there was as good machinery, and as much skill, employed there as in other places. There might be, in particular instances, but he was afraid it was by no means a general case; and, even if it were, the improvement had been adopted too late; and they had lost a considerable portion of the trade by the greater improvement, the greater attention, and the greater skill, which had been devoted to it in other parts of England. If hon. Gentlemen would refer to the Returns which had been laid on the Table, they would see, that the importation of this article had not, in any material degree, increased, whilst the consumption of the articles manufactured in this country had increased in a most extraordinary degree. He had the curiosity, this morning, just to look into this simple fact—what proportion the weight of manufactured silk imported into this country from France, bore to the weight of unmanufactured silk brought in here for the purpose of manufacture; and, he found, that the proportion of manufactured to unmanufactured silk, imported in the year 1833, was three per cent upon the whole. At the present time, he believed, it had increased to four or five per cent, in consequence of this being the season when the importations usually took place. To suppose that such a proportion of competition could do any serious injury, was really rating at too low a standard the manufacturing power and industry of this country. However, he wished to confine himself to the question as proposed by the hon. Gentleman; and he put it to the House, would they return, by their vote of that night, to the system of prohibition? Would they acknowledge that principle, or even if they were inclined to do it, could they, in aid of an article of manufacture, when it could be proved, that such a course would only tend to defeat the very object in view.

Sir *Daniel Sandford* said, it was unquestionable, that in many branches of the silk trade, and especially in the manufacture of shawls, very great distress prevailed. In Scotland, he knew that large numbers of workmen were now discharged, with famine staring them in the face. He had been informed, that the amount of orders lately received, was 80 per cent lower than the usual demand at this time of the year. He knew it was impossible to return to a system of general prohibition, but what was necessary to be done had been recognised in a recent speech of the right hon. Gentleman, which had been received by the manufacturers with great pleasure. The right hon. Gentleman had said, that if France did not return the advantages of reciprocity which this country had proffered, he would employ all the means at his command as a Minister of the Crown, to compel her. All he asked was, that the right hon. Gentleman would follow out this principle, which Mr. Huskisson would undoubtedly have done, if he had lived. The first form of the experiment of free trade had failed, and the time was now come when they ought to try whether the other form would be more successful.

Mr. *Hume* said, that the silk trade was peculiarly circumstanced. The fact was, that it stood in its own way, as regarded its power to compete, by having refused to admit the introduction of machinery. If they looked into the evidence given before the Silk Trade Committee, they would find it stated, that in the town of Coventry, when an attempt was made to introduce machinery there, the most decided opposition was exhibited; in fact, the machinery was destroyed. So mistaken and short-sighted had the parties been, that they had formed strong combinations against the introduction of any improvements in the machinery that was used. He deeply regretted, that so many persons should be suffering as was represented; he had no doubt, that their distress was great, and no one could feel more anxious than he was to afford them relief; but though he entertained these sentiments, he must acquit himself of acting improperly, if he did not accede to the Motion before the House. Instead of adopting a course which, in his conscience, he believed would deceive the parties most interested, and in place of proving advantageous to them, would add to their present difficulties, he would candidly state what appeared to him to be the cause of the distress, and what remedy he thought ought to be applied. His hon. friend who had introduced this question, in so doing, had, no doubt, discharged his duty to his constituents; but from the knowledge which his hon. friend possessed of the principles of commerce, he thought his hon. friend must feel the impossibility of the desired relief being obtained from such a source as prohibition. He referred the distress, in a great measure, to that most mischievous of all monopolies—the monopoly of food. He must also assert, that for a portion of their distress, he thought the people of Coventry had themselves to blame, in having refused to admit the silk necessary to their manufacture free of duty. In no portion of the kingdom was the admission of thrown-silk duty free more strenuously opposed than in Coventry. The amount of the duty was 3*s*. 6*d*. per lb. To show what had been the advantages of a relaxed system, it might be stated, that ever since the period when the Committee sat for fifty-five days, the silk manufactures had been gradually increasing. By the existing system, the English manufacturer who had to work against the French, was placed in a worse situation to the amount of from 12 to 15 per cent; yet, when it was proposed to take off the duty, the proposition was met by a positive refusal to consent to such an alteration. He trusted, that nothing that could be urged would induce a return to any system of prohibition. Looking at the facilities for commerce which this country possessed—at its numerous population, ingenious and enterprising—taking also into consideration its machinery and its large capital—the removal of restrictions could not be otherwise than beneficial. Instead, then, of deluding the people by favouring their false views, he thought it incumbent on that House to make them acquainted with their real position. This once understood, they would see that prohibitory duties would but augment their distress; and that, on the other hand, the removal of restrictions and the reduction of the existing monopoly in the article of food, would tend more than anything else to its relief. In conclusion, he must express a hope, that his hon. friend would not press his Motion.

Mr. *Thomas Attwood* would trouble the House with a few words in favour of the Motion. The distress of the parties now appealing to the House had been attributed in part to a change of fashion. Was it change of fashion that occasioned the distress of the ship-owners? Was it change of fashion that occasioned the distress of the land-owners? Was it change of fashion that occasioned the distress of the farmers? In one word, was it change of fashion that had plunged into distress all the great interests of the country? He would answer, No. General distress must have a general cause. The report of the Agricultural Committee which sat in 1821, established the fact of the existence of general distress. He was examined on that occasion, but the Committee thought fit to reject his clear and unanswerable *exposé*. Hon. Gentlemen smiled; but he would repeat his assertion —his reasoning was unanswered and unanswerable—it was not answered at the time, nor had any human being attempted to answer it since. He had been told, by men of all parties—by Whigs, Tories, and Radicals, that it could not be answered. That reasoning of his was, notwithstanding, kept out of the agricultural report. The Committee brought forward a celebrated merchant, whom they examined, with the view of getting from him a counter statement. This gentleman quoted twenty or thirty articles which had fallen in price; but he alleged twenty or thirty different causes for that effect. Of course he was out-argued then, as he did not doubt he should be on the present occasion. He regretted, that particular interests came forward claiming particular relief. The distress was general; let all unite, and they must succeed in obtaining a measure of general relief. One cause existed of the distress—it was a general cause—it was not the want of one-pound notes, but it was the pressure of the metallic standard of value. This it was which would ultimately involve the noble Lord opposite, and the House, in one common ruin, within a period of ten years. He would return to a general system of prohibition. Under the pretence of doing good to the nation, Gentlemen had advocated a free trade. Free trade! He would call it free plunder. It had increased the taxes—it had aggrandized all those who had funded property—all placemen, pensioners, and sinecurists—all who lived on the fruits of the labour and industry of the people. Free trade, free taxes, and free rents, had completed a most enormous and disgraceful robbery of the country. The plunderer had been re-acted on by the plundered. The land-owners were suffering as much as any class of the community; and from this he derived some consolation. During the war, they exhibited a grasping and selfish policy. They were profiting by it, and they were indifferent as to how long it continued. They said to themselves, "We are now in all our glory and prosperity;" and, speaking in the language of Holy Writ, they declared the evils to be nothing, "so long as Mordecai the Jew was sitting at the king's gate." It would be impossible much longer to govern England in this way; subjects of great moment were pressing on the country. The House told the people, "We can't do any thing for you." To all who complained of distress, they cried out, in the cuckoo note of the ancient oligarch House, "We can't do any thing for you." Was this the fact? If it was, why did not the members of his Majesty's Government, who thus admitted their inability, make way for better men? Let them retire; and he would answer for it that he would find, amongst the artizans of the country, those who would find the means of giving the desired relief; and he would add, that they would do so in a manner that would give satisfaction even to the aristocracy. Let Ministers consider the dangerous, the solemn situation of the country. Looking to the past, and judging by it of the future, they must know that there were principles at work out of doors which threatened to overturn the fabric of society in England. Instead of boldly encountering the difficulty, and attempting to devise a remedy for it, every man appeared to be anxious to hide his head, as the ostrich, when in danger, was said to hide his in a bank of sand; and to fancy, because the danger was not seen, that it was avoided. They should bear in mind, that it was to the great suffering of the people that they might attribute the important changes which had taken place. He admitted, that the noble Lord opposite had acted a prominent part in procuring many of those changes, and to that extent he acknowledged the noble Lord's services with pleasure and with gratitude. Many of those changes had certainly been productive of much good. What he regretted was, that the noble Lord who had done so much, had not done more. In his opinion, the noble Lord had stopped short of much that he might and ought to have effected.

Mr. *Clay* said, that he should not attempt to answer the hon. Gentleman who had last spoken, and who had indulged himself in allusions to many subjects that did not appear to him to bear very closely on the question before the House. The hon. Gentleman had, amongst other things, alluded to the currency; indeed, it rarely happened that he spoke without doing so, whence the discussion of this matter appeared almost to be his peculiar privilege. He (Mr. Clay) was opposed to the principle of prohibition, which he did not expect would have found an advocate in his enlightened friend, the hon. member for Coventry. In his case it appeared to be a species of *monomania*; and he imagined it was to be explained in no other way than by their experience, which informed them, that the ablest persons were sometimes afflicted with a particular obliquity. He supposed that they must pardon this mistake of his hon. friend, in consideration of his many superior qualifications. It was always with the greatest sorrow that he heard any suggestion of protection, not to say prohibition, advocated in that House; because it could not fail to afford an argument to the supporters of prohibition, in favour of the most destructive of all monopolies—the monopoly of food. It would be in the recollection of the House, that only a short time since the right hon. Baronet (the member for Tamworth) made it his principal argument in favour of protecting duties on corn, that almost every article of manufacture was subject to a protecting duty. In this way they acted in a vicious circle, and justified their vicious actions by a vicious circle of reasoning. If they proceeded thus, they never would arrive at a sound principle. So far from thinking with the hon. member for Birmingham, that free trade was free plunder, he should say, that the term plunder would be better applied to restriction. Talk of Trades' Unions! he knew of none existing, against which could be charged conduct so disgraceful as was that of the supporters of the great monopoly, who designed to enlist people on their side, by flattering the prejudices of the manufacturing classes. He had an opportunity of knowing that we had been fast progressing in the silk trade. Our manufacture of plain sarcenets, and gros de Naples had so materially improved, that they were now considered to rival the French. He believed, that if there were not a sixpence of duty imposed, an American merchant, having the choice of the French and the English markets, would prefer the English. Such was the present state of the manufacturer, though it might be remembered that during the investigation before the Committee, tables were produced, calculated apparently with great care, by which it was made to appear that without a protecting duty to the amount of 50 per cent it would not be possible for us to compete with the French in the manufacture of gros de Naples. He had reason to know, that at this moment in all the great silk manufactories to be found in his district, they denounced the very thought of prohibition. The opinion entertained was, that no power that could be exercised would protect them from smuggling, if prohibition or high duties existed. In nine-tenths of the manufactories they talked not of prohibition as calculated to afford them any relief; what they desired was, first, the removal of the tax upon corn, and secondly, the abolition of the duty on thrown silk.

Lord *Dudley Stuart* was not an advocate for the repeal of the Corn-laws, because he thought the agricultural interest ought to be protected; but while they claimed protection, they ought to take care to give to the manufacturer the means of obtaining food by his labour. He would not join in any senseless cry against Ministers because they opposed this Motion; he was sure that they all felt deeply for the distresses of those in whose behalf the Motion was made. As regarded his own case, however unwilling he was to give a vote which he knew would render him unpopular in the House, he must nevertheless support the Motion.

Mr. *Finch* said, that he had been asked to support the Motion, but, consistently with his own opinions, he could not do so. He considered prohibition not practicable; but if it were, it would lead to so many inconveniences, that, in his opinion, its adoption would render the condition of the manufacturers worse than it was at present.

Mr. *Brocklehurst* said, that he had been in communication very lately with the Macclesfield manufacturers, and their opinion was, that the House could not serve them better than by leaving the matter entirely alone.

Mr. *Fryer* said, that the advice he had given to manufacturers when they complained to him of their distress was to join together and form a union to break down the Corn-law. When he recommended them to exert themselves against the corn monopoly, they replied, "The House of Commons won't hear us." He told them this was true enough, and the reason was, that the House of Commons was made up principally of landowners. He was then asked whether he would have them form into mobs, and he told them certainly not; for if they did, they would assuredly be put down, and lose all their power the moment they made an attack on private property. But let them form into a union to obtain a free trade in corn and free labour. This was the spirit of the age which Lord Grey alluded to a few nights ago in the House of Lords. If they had free labour and a free importation of food, they need not fear being able to compete with any foreign Power whatever.

Mr. *Henry L. Bulwer* replied. He admitted, that the case would be very different if they were to throw open their ports to the admission of foreign corn, and if France in return would freely receive our iron and coals; but so long as France placed restrictions on the necessaries of life, so long the manufacturers had a right to ask for protection to keep up the price of their article of manufacture. Alter the whole system, and there would be no necessity for his present Motion; but he contended that while they retained the system, there was no choice left but to adopt the course he had recommended.

The House divided—Ayes 22; Noes 128: Majority 106.

Leave refused.

List of the AYES.

Attwood, M.
Brudenell, Lord
Burrell, Sir C.
Cayley, E. S.
Dillwyn, L.
Egerton, W. T.
Fielden, J.
Halford, H.
Martin, T. B.
Miles, W.
Norreys, Lord
O'Connell, M.
Price, R.
Richards, J.
Russell, W. C.
Sandford, Sir D.
Scholefield, J.
Stanley, E.
Stuart, Lord D.
Talbot, J. H.
Vincent, Sir F.

TELLERS.

Bulwer, H. L.
Attwood, T.

PAIRED OFF FOR.

Wilmot, Sir E.

AGAINST,

Sheppard, T.

THE RIVER SHANNON.] Mr. *James Talbot* wished to call the attention of the House to the great advantages that would result, not alone to the country adjacent to the Shannon, but to all Ireland, nay to the empire, from the improvement of the navigation of that noble river, by encouraging manufactories, commerce, and agriculture along its course. An estimate of the expenses was drawn up under the superintendence of the Board of Public Works in Ireland, and the estimate of the improvement of navigation, of the river for 123 miles was only 153,000*l.* It would be desirable, that a Committee should be appointed to investigate the value of the lands adjoining the river, and through which some of the improvements would be made, together with many other circumstances necessarily attendant on the object, and to carry the full purposes of the Motion into effect. The hon. member moved for a Select Committee to inquire into the navigation of the Shannon, and its tributary streams, and the best means of improving it.

Mr. *William Roche:* As one of the Representatives for the city of Limerick, the principal port on the line of the Shannon, I rise to second and express my warm approbation of the Motion of my hon. friend, the member for Athlone. But, Sir, I do still more on national than on local grounds, because I should not deem myself justified in permitting local feelings to prevail over national interests: but when, Sir, they not only do not conflict, but are intimately identified together, then local improvement may justly and legitimately give additional zeal to national consideration. Sir, nationally, I approve of this Motion and its object, because I am convinced it will powerfully conduce to that great desideratum in the prosperity of every nation, but so peculiarly wanted in Ireland, namely, the profitable and permanent employment of the people, consequently to their improvement, comfort, and contentment, in a manner much more effectual and enduring than laws of pains and penalties ever can accomplish. Locally, Sir, I am glad of this Motion, because I am aware that every improvement conferred upon the Shannon will extend a beneficial influence to Limerick, and reciprocally that every advantage conferred upon Limerick must prove useful to the whole line of the Shannon. Limerick, Sir, is the great emporium and outlet for the produce of that noble stream, certainly, as from the hands of nature, the finest in his Majesty's home dominions. Of that produce, Sir, it exports to this country not less than 1,000,000*l.* in value a-year, and that in articles of primary importance, because in articles of human subsistence so conducive to the interests of all classes, but peculiarly so to that great source of your opulence, the manufacturing interests. Sir, the Shannon flows through nearly the centre of Ireland; therefore every improvement it experiences must directly or indirectly benefit the whole of that country; but directly it will promote the interests of no less than 2,000,000 of people and 2,000,000 of fertile acres spread along its banks, which banks, including the right and left bank, extend to 500 miles of coast, or equal to the eastern or western shores of England. Sir, if that fine, but neglected river, was in this country, what millions would not be expended upon it; because here you know and experience the value of quick and cheap commercial intercourse, and therefore you have perhaps 1,000 miles of river and canal navigation for every hundred possessed by Ireland. Why, Sir, on one canal in Canada you have conferred above a million of money. Give half, nay a quarter of that sum for this purpose to Ireland, and you will confer it on a people that wish not, that cannot, separate themselves from you; whereas (tho' while we are connected with that country, I speak not begrudgingly) by granting it to Canada, you may perhaps be only accelerating separation by inspiring strength. Sir, a diversity of opinion prevails on the expediency of restoring Ireland's domestic Legislature, but surely none can on her domestic improvement. Indeed, those most opposed to the former ought to be the most zealous for the latter, because it is the expectation of a livelier attention to domestic improvements that operates powerfully in creating a desire for a domestic Legislature, — also, Sir, experience has shown, that even more than anticipated advantages have accrued from every improvement extended to Ireland. This, Sir, is a subject and an arena upon which all parties in Ireland may meet in amicable understanding, and co-operate with undivided concord and zeal. I therefore trust, Sir, that under these considerations, and many others with which I may illustrate the subject, but shall not detain the House, the Motion of my hon. friend, which I heartily second, will experience the unanimous approval of Parliament.

Mr. *Littleton* admitted, that the subject was well worthy of attention, and suggested, that the names of such proprietors of land on the Shannon as had seats in the House should be included in the Committee, and that they should bear a proportion of whatever expense it might be deemed expedient to incur. The money thus expended he thought would be extremely well employed, and would be ultimately repaid in the advantages gained. The improvement of the river was a matter of national importance, and would be well worthy of encouragement.

The Committee was appointed.

Common Pleas (Lancaster).] On the Motion of Mr. Stanley, the House resolved itself into a Committee on the Lancaster Court of Common Pleas Bill.

On the Question, that the Speaker do leave the Chair,

Mr. *Jervis* moved, as an amendment, that the Bill should be referred to a Select Committee, for the purpose of considering both the principle and provisions of the measure. A Bill proposing so important an alteration on a subject not generally understood by the House required previous consideration in a Committee, and it was distinctly understood, when the Bill was read a second time, that the House was not pledged to the principle. It was true, the Bill was founded on the Report of the Commissioners for the county palatine of Lancaster, but that Report was made before the recent alterations and improvements in the practice of the superior Courts at Westminster. Had those improvements then taken place, it was highly probable that the Commissioners would not have come to the conclusion they did; and it was to be observed, that an hon. and learned Member, who was one of the Commissioners, was not present to-night to defend his views. A Select Committee would examine these Commissioners. The process in the Palatine Court was much more expensive, and much more objectionable, than the practice in the superior Courts. It might perhaps be said, that the object of the Bill was to place the practice of the Court upon the same footing as that of the Superior Courts. But his objection was, that no competent machinery existed, nor could any be created, without involving the country in great expense for compensation, to which he was sure the Chancellor of the Exchequer would object. He thought that they should totally abolish the jurisdiction of the Palatine Court. The hon. and learned Gentleman concluded by moving his Amendment.

Mr. *Stanley* observed, that the intention of the hon. and learned member for Chester seemed to be to destroy not the Bill alone, but the Courts of the County Palatine of Lancaster. There was this broad distinction between those Courts of Counties Palatine which had been abolished, and those which had been retained, that the latter were presided over by the Judges of the land, while the former were not. The object of the hon. and learned Gentleman seemed to be, to draw the practice out of the Courts of the County Palatine of Lancaster, in order to put it into the hands of the attornies of the Courts of Westminster. It was extraordinary that, although they had no interest in the Bill, all the attornies and solicitors of the different towns of Lancashire had petitioned in its favour. The Report of the Commission which had been appointed to inquire into the subject, directly negatived all the statements of the hon. and learned member for Chester. That Report stated, among other matters, that the expense of the actions tried in the Courts of the County Palatine of Lancaster was one-third less than the expense of actions tried in the Courts of Westminster Hall. It stated, also, that the administration of justice, in the Courts of the County Palatine of Lancaster had been highly satisfactory to his Majesty's subjects in that part of the kingdom; and it recommended, not that those Courts should be abolished, but that their practice should be more closely assimilated to the practice of the Courts of Westminster. That was the object, and the whole object, of the Bill under consideration. All the clauses of this Bill were taken from Acts which had been passed for the improvements of the Courts at Westminster. He called upon the House, therefore, not to be deterred from the adoption of a measure which would be highly advantageous to the people of the county of Lancaster, by any clamour raised by the attornies of Westminster, from whom alone the opposition to the Bill proceeded.

Mr. *Pollock* did not think, that the course which had been adopted by his hon. and learned friend was a fair mode of dealing with the measure. The objections of his hon. and learned friend were applicable to some of the clauses of this Bill, and not to its principle. He trusted, that the House would not consent to refer the Bill to the consideration of a Select Committee. Such a proceeding was unnecessary; for they already knew, from experience in the Courts of Westminster, the advantages which it was now sought by the Bill to communicate to the Courts of the County Palatine of Lancaster.

The Amendment was negatived. The House resolved itself into Committee on the Bill.

The four first Clauses having been agreed to,

Mr. *Jervis* proposed, that the 5th clause, which authorized process of outlawry to issue from the Palatine jurisdiction, be omitted. That clause would have this oppressive effect, that, if a man resided for a week in Lancashire, and then went to reside in the next county, process could not issue there from the Palatine Court, which, not finding him within its jurisdiction, would outlaw him. This would throw an enormous expense upon him without any fault of his.

Mr. *Pollock* said, that, unless the clause was retained, the Court would have no means of enforcing its judgments. With the superintendence exercised by the Courts in matters of this kind, there was no fear of a man going uselessly to the expense of outlawry.

The Committee divided on the question, that the Clause stand part of the Bill: Ayes 43; Noes 14—Majority 29.

The Clauses, to the 16th, were agreed to.

The House resumed; the Committee to sit again.

HOUSE OF LORDS,

Friday, June 20, 1834.

MINUTES.] Bills. Read a second time:—Pensions (Civil Offices); County Rate; Dramatic Performances.

Petitions presented. By the Earl of ROSEBERY, from Whitborn, for a Better System of Church Patronage in Scotland.—By Viscount STRANGFORD, from three Places, for Protection to the Church of Scotland.—By the Earl of DURHAM, from a Dissenting Congregation in Leeds, for Relief to the Dissenters.—By the Bishop of St. ASAPH, from several Places, against the Admission of Dissenters to the Universities.—By Viscount MELVILLE, from the Schoolmasters of Dalkeith, for an increased Stipend.—By the Earl of HARROWBY, from Almondbury, for the Repeal of the Sale of Beer Act.—By the Dukes of GLOUCESTER and WELLINGTON, the Archbishop of YORK, Marquesses of BUTE and BRISTOL, Earls HARROWBY and WINCHILSEA, Lords ROLLE, DYNEVOR, KENYON, and the Bishop of St. ASAPH, from a great Number of Places, for Protection to the Established Church, against the Separation of Church and State, and the Admission of Dissenters to the Universities.

DON CARLOS AND DON MIGUEL.] The Marquess of *Londonderry* said, that on a previous occasion, in the absence of the noble Earl at the head of the Government, he had put a question to a noble Marquess, in order to know when they were likely to receive the ratifications of the quadripartite Treaty. The noble Marquess, in answer had been pleased to be somewhat jocular on it, and had said, that the illustrious Don Miguel was safely on board one of his Majesty's ships. If so, that prince ought to have arrived by this time; but he had not yet heard of his arrival. He did not now intend to put another question on that subject, for he was well aware, that by the departure from the system of non-interference. Don Miguel had been driven out of his kingdom, and so had Don Carlos, and he believed that the same sort of non-interference would be adopted to keep them out. What he wished to ask was this—in what manner did the Ministers intend to receive the illustrious prince Don Carlos, who, he was informed, had now landed at Portsmouth: He put no question about Portugal, for since the unfortunate situation in which that country was now placed, all eyes had been turned towards Spain. He understood that Don Carlos had now been one week at Portsmouth. How long he was to be detained there, it might be as well to know. There had been great delay—it was not for him to say unnecessary delay, but great delay in receiving the illustrious prince. There had been some sort of omission as to the preparations for his reception. He understood that the Under Secretary of State for the Foreign Department had gone down to Portsmouth, accompanied by the Marquess of Miraflores, and that there had been attempts made to induce the illustrious prince now on our shores, to renounce the rights he possessed. If these reports were true, they were beyond anything that had ever been heard of in history. The reports were so general that he really thought he was doing a favour to the noble Earl in giving him an opportuntity of correcting them and of denying them in the face of Europe. The illustrious prince, Don Carlos, had the same right to protection and to good treatment as Donna Maria and as Charles 10th, and he did not believe it possible that the Government would hold out an example of attempting to seduce men in their misfortunes from the path which their duty to themselves and their country required them to follow. He hoped it was not true that attempts had been made to induce the illustrious prince to do that which might hereafter prejudice his cause, and the cause of Spain. He hoped he should receive a satisfactory answer to the question as to the way in which the Government was to receive Don Carlos.

Earl *Grey* was afraid that upon this, as upon a former occasion, his answer might not be deemed satisfactory by the noble Marquess opposite. Indeed, he hardly knew what the noble Marquess wished him to affirm or deny. The noble

Marquess had entered into a desultory statement of what he supposed to be the object of the arrival of the prince, and he asked in what manner Don Carlos was intended to be received? He (Earl Grey) must disclaim any supposition that it was necessary for him to make any statement because certain statements had been made elsewhere, he could not tell by whom, nor on what authority. But he was ready to admit, that Mr. Backhouse had been sent from the Foreign Office down to Portsmouth. With respect to the object of that mission, if, on any future occasion, the noble Marquess thought fit to make a Motion on the subject, he should be ready to meet it; but he should now only say, (expressing no opinion on the question, whether Don Carlos was or was not connected with the cause of the Peninsula)—he should only say, that Don Carlos would be regarded as a prince of the royal blood of Spain, and as such he would be received, and treated with the attention and honour due to his station.

The Marquess of *Londonderry* said, that he hardly knew what the noble Lord meant by saying, that the illustrious prince would be received with the attention due to his rank and station; for if what he had heard was correct, Don Carlos had been riding about Portsmouth in hackney coaches. He had never understood what the policy and the cause were that made Ministers depart from the principle of neutrality. But now that they had departed from it, and that the unfortunate prince was here, he called on them to say whether there had not been a mission from them to induce him to abandon his just rights to the throne of Spain? If such had been the case, he must say, that the mission had been one of the most atrocious that he had ever heard of.

Earl *Grey* observed, that when the proper time arrived, the papers, respecting which the noble Marquess had formerly inquired, would be laid upon the Table of the House; and if the noble Marquess thought fit to introduce a Motion on the subject to which he had now referred, he should be prepared to meet it.

JUDICIAL BUSINESS—ABSENCE OF THE SPEAKER.] The Earl of *Eldon* wished to call the attention of their Lordships to a subject of much importance to the character of that House. The attendance of the twelve Judges had been required by that House to give their opinions upon some question relating to a writ of error he believed. Upon that occasion, neither the Lord Chancellor, nor the deputy Speaker, nor any law Lord was present to receive them. This, he could not help remarking, was most irregular, contrary to the forms of their Lordships' House, and contrary also to their dignity and interests. He recollected a case wherein the twelve Judges having given their opinions, the Lord Chancellor satisfied the House that they were all wrong. He recollected another case wherein the Lord Chancellor satisfied the House, not that the opinions were wrong, but that it would be wrong for that House to act upon them. In the present instance he believed the Judges were right, but with such instances on record, was it right that the House should be left with a lay Lord only to guide them? He hoped he should be excused for saying, that he had nothing more at heart than that the judicial business of that House should be properly conducted. He would venture to say, that the esteem and respect of the subjects of this country for the House of Lords, as a Court of Judicature, was greater than for any other tribunal in the country. It was necessary that the interests of the suitors should be properly adjudicated upon, and he should give notice of a Motion to the effect, that the opinions of the twelve Judges should never be received in that House unless some one of the Lords mentioned in the Commission of deputy Speaker was present.

The *Lord Chancellor* was quite sure that his noble and learned friend was aware that no one felt more strongly than he did that the greatest possible care should be taken to keep in due and regular order, and according to the ordinary form of proceeding, the judicial business of that House; but it was perfectly well known that he was not to sit there on the day in question, for he had made an appointment to sit at ten o'clock in the morning in the Court of Chancery, to hear an appeal, in which the suitors and the parties from the country were kept waiting in town. It was well known that, in consequence of the necessary absence of the Chancellor, who was the principal Speaker of the House, the Crown had always by commission given the power generally to a deputy Speaker to sit and perform the office of Speaker. He was quite sure his noble and learned friend did not mean to say there had never been a deputy Speaker before, because, while the noble and learned Lord held the Great Seals, he (the Lord Chancellor) had argued times without number, cases before his deputies, who consisted of the Lord Chief Baron of the Exchequer, the Lord Chief Justice of the King's Bench, and his honour the Master of the Rolls. There were individuals not Peers appointed to sit as deputy Speakers, and following that practice there had been a commission given to more than one on the present occasion; among the Commissioners were two noble Lords who had belonged to the profession of the law, and the noble Earl who was Chairman of the Committee of that House, and who did not belong to the profession of the law. He believed there had been some misunderstanding, because his noble friend the Lord Chief Justice of the King's Bench had been unexpectedly detained in another place. There certainly was no law Lord present when the learned Judges gave judgment; the consequence of which was, that they would either have to give their opinions to a lay Lord, which seemed to strike his noble and learned friend as something too horrible to be borne, or they would have to go away and come back on another occasion. He begged leave to observe he was not answerable for their having given their opinions to a lay Lord. He was not there at the time, but the moment he heard of it his answer was, that, if the Lord Chief Justice of the King's Bench was still detained, let him know, and he would break up the Court of Chancery, and go down to the House of Lords instantly. He hoped his noble and learned friend would reflect a little before he made his Motion, for he could not avoid thinking, regard being had to the nature of the functions of that House, that it would be very awkward, not to say impossible, for them to put upon their votes a Resolution which amounted to this, that the whole of the Peers were not competent to discharge the judicial business of that House. If the House adopted the Resolution, of which his noble friend had given notice, it would deprive itself of the exercise of one of the highest functions it could possibly exercise, without the presence of the nominee of the Crown. He would put it upon constitutional grounds, whether the House would, for the first time admit, that the Crown had a right to interfere in the performance of the judicial functions of the House? It was true that the Crown issued the Commission for the appointment of a deputy Speaker, but it was equally as true that the House could, at any time, name a deputy Speaker for a day or an hour. If, therefore, the noble Earl proposed to pass a Resolution that the opinions of the twelve Judges should never be taken without the presence of a law Lord, he should object. The constitution of the country might be badly contrived, but by the constitution lay Lords as well as law Lords had a right to judge of all legal matters in that House; that was the legal and constitutional view of the subject; and surely if ever there was a case in which a lay Lord might without danger sit at that Table, it was when he had only to ask questions of the Judges, and put their opinions to the vote. For these reasons he hoped that his noble and learned friend would re-consider the subject before he brought forward his Motion, pointing out such distinctions as he had adverted to. A case came before the House, in which the Judges came to a unanimous decision, no judgment of the House was then given, but that of the Judges was taken. The decision of the House on the subject was given yesterday when he was present, in which he took no small part, and in which exemplary justice was done, by the appeal being dismissed with costs. If ever there was a case in which the sitting of a lay Lord was harmless, surely it must be in such a case as that.

The Earl of *Eldon* assured their Lordships, that in bringing this matter under their notice, he was actuated by no personal view whatever. He was solely influenced by a desire to perform his duty according to the dictates of his conscience. He was not satisfied with the statement of the noble and learned Lord; but he was satisfied that the ancient forms of that House must be kept up, in order to enable it to retain the respect of the country. That House, he would venture to say, had been considered as a House as useful to the public as any other House in the kingdom. The noble Earl referred to the Orders of the House, to show that the Lord Chancellor ought to be present on occasions such as he had adverted to. He (Earl Eldon) never left the woolsack during the time he was Chancellor without having communication with the individual who was to sit in his absence. He did not know how the present Commission was worded; but formerly it gave authority to a Deputy-speaker to sit only in the necessary absence of the Lord Chancellor. He was sure, that if the people of this country should be told that the Judges of the land attended that House to give their opinions, and that the House was left to itself in the absence of the Lord Chancellor, it would greatly lessen the dignity, importance, and character of the House in their eyes. He thought they had enough to do to retain the respect of the country in the position in which that House was at present placed, without abdicating all the forms and preservatives of dignity.

The *Lord Chancellor* could not allow the extraordinary observations of the noble and learned Lord to go forth to the public without remarking that he seemed to mistake the form for the substance of dignity. He must once more repeat, he had nothing whatever to do with what passed in their Lordships' House upon the occasion alluded to. When he heard, that the Judges were in attendance, he sent from the Court of Chancery to desire they would wait for a short time, and that his noble friend, the Lord Chief Justice of the King's Bench would be in attendance, intimating at the same time, that if his noble friend did not soon arrive, he would attend in person. Was it any fault of his, he begged to ask, that the Judges were impatient, and did not wait his arrival? The Judges were *virtute officii* attendants of that House; and if he chose, while the House was adjourned during pleasure, to sit in the Court of Chancery, it was their duty to wait until such time as he (the Lord Chancellor) came down and took his seat upon the Woolsack. He was the Speaker of their Lordships' House as well as Chancellor, and if, in the discharge of his duty in the latter capacity, he went from that House to the Court of Chancery, the Judges, knowing that their opinion was required by their Lordships, were bound, as their attendants, to await their pleasure, until such time as it was convenient for him to take his seat on the Woolsack. He did not, however, believe, that the Judges were impatient. He did not believe, that if any noble Lord had taken the trouble to say, "The Chancellor will be here presently," they would have objected to await his arrival. He entirely acquitted them of that charge, because he was convinced they knew their duty too well to manifest impatience, even if they felt it. To return, however, to the speech of his noble and learned friend. He called upon their Lordships to mark how venturesome had been his noble and learned friend in his application of what had fallen from him respecting the judicial privileges of their Lordships' House. His noble and learned friend said, there were cases in which lay Lords had decided on questions of the greatest importance. He stated one case in particular, in which, upon the Chancellor and Judges differing upon a point of law involving a question of the greatest importance, the two lay Lords in attendance decided between them. "When doctors differ, who shall end the strife?" was a common inquiry enough; but in the case alluded to by the noble and learned Lord, it would appear, that two lay Lords decided upon a question of law between the twelve Judges of the land, and the Lord High Chancellor. It was, no doubt, very well, theoretically speaking, to clothe the lay Lords with the power of sitting on the Woolsack, under any circumstances; but, practically, it was clear that the Chancellor's appeal from the Judges to a lay Lord was not calculated to be productive of much advantage. The charge, however, in the present ca e was, that in the absence of the Deputy-speakers, a lay Lord sat on the Woolsack, heard the opinions of the Judges, and put the questions on those opinions. Now, if a lay Lord was competent to decide between the Chancellor and the Judges, surely he was competent to sit on the Woolsack to put the question to the Judges. With all the tenderness, therefore, that he felt for the privileges of the House, he did not think that those privileges would be consulted by the proposed Motion of his noble and learned friend.

Lord *Wynford* observed, that it was due to himself to say, that he would have been present if he had had any idea of what was to take place. The constitutional principle was, that the Deputy-speakers should be appointed by the King, and it was only when they were not appointed by the King, that the House had a right to appoint them. He was far from denying, that every Peer was competent to fill the judicial situation on the Woolsack; but it was well known, that it had been always the practice in that House to have, on such occasions, the assistance of Peers who had been in the legal profession. How, indeed, any decision upon such questions could be satisfactory, without the presence of a lawyer, he was at a loss to conceive.

The Duke of *Wellington* said, that all that his noble and learned friend near him had stated was, that a Lord Chancellor ought to be on the Woolsack when the Judges delivered their opinions. No one could deny the great advantages which must result from having a Lord Chancellor present on such an occasion. He was quite certain that there was not one of their Lordships who did not agree with him in that opinion.

Earl *Grey* rose only to state what he conceived to be the nature of the question. There could be no doubt that, on such an occasion as that adverted to, it was very advantageous that a judicial Peer should be present. That had been the wholesome practice of that House; and he was sure that his noble and learned friend on the Woolsack would be the last man to say, it was not a wholesome practice. But, acknowledging that such was the general practice, it was a very different thing to say, that in no case whatever should a judicial question be decided, unless a judicial Peer were on the Woolsack. It would surely be much better to leave the matter as it stood, than to affirm any such proposition.

The Duke of *Cumberland* was persuaded, after what had just fallen from the noble Earl, that such an occurrence would never again take place.

The Earl of *Shaftesbury* trusted the House would believe, that his absence on the occasion alluded to, was not the result of any disrespect or inattention to his duty, but from his having been led to expect that the Lord Chief Justice of the Court of King's Bench would be present. There had been occasions within every one's experience, on which a Judge, who was a commoner, having been made a Deputy-speaker of that House, it had been necessary, although in the presence of that Deputy-speaker, for a lay Lord to put the question to the Judges, and to take the opinion of the House.

Lord *Denman* did not rise to prolong the discussion; but because he felt it due to himself to state the cause of his not being in the House at the time alluded to. He was not aware, that he was expected to attend, until he was in the Court of King's Bench. He there received an earnest request to meet the other Judges in the House of Lords. It so happened, however, that a criminal case was trying before him. It was, of course, utterly impossible that, under such circumstances, a Jury and witnesses could be left by the Judge. He was, therefore, under the necessity of remaining in the Court till the trial was over, and he was then informed that the House of Lords had adjourned.

The Earl of *Eldon* said, after what had fallen from several noble Lords, he should decline making his Motion.

PRISON DISCIPLINE.] Lord *Wharncliffe* rose to make his Motion for a Commission to inquire into the State of Prison Discipline. There could be no subject of greater importance and of greater interest than to ascertain that proper sentences should be pronounced upon criminals, and that those sentences should be really and efficiently carried into effect. It might be asked, why he undertook to introduce such a subject? The answer was, that as Chairman of Quarter Sessions, he had abundant opportunities of ascertaining what effect the present prison discipline had upon criminals, and he did not believe that it was beneficial. He would venture to say, with humble submission to the Judges of the land, that a Chairman of Quarter Sessions had more opportunities than those eminent persons, to observe the effects of punishments. The Judges came only occasionally among the people. The Chairman of Quarter Sessions lived among them; he saw the effect of the law in domestic life, and in detail he traced its operation in the haunts of criminals, and in the homes of the poor; he saw the same individuals brought over and over again before him, proving to demonstration that the punishments he had inflicted were not effective. He would endeavour to show, that the whole of our present system was founded on wrong grounds; and that, instead of prisons tending to the discouragement of crime, they served only as schools for vice. The persons sent to them came out much worse than they went in; and what was called punishment was less a preventive and a privation, than it was an encouragement and a mockery. What ought to be the object of punishment? In inflicting it, the House did not look at the individual, but that the punishment inflicted upon him deterred others from the commission of crime. That was the legitimate object of all punishment. He had, therefore, to show that it did not deter men from the commission of crime; and to establish his position, he was first bound to show that crime had been progressive in this country. He would refer for the proof of that to the Report of the several Committees on the subject, and would take three periods of seven years each; the first ending with December, 1817; the second ending with December, 1824; the third ending with December, 1831. In the first period, the number of persons criminally convicted was 67,000; in the second period, 92,848; in the third period, 121,000. The Returns of the present year showed that this progressive increase was going on. In fact, he knew from his own experience that crime was increasing, for during the last twelve years the number of trials at the Sessions in the county of York had increased from 250 to 900. Under these circumstances, the time was surely come when an attempt ought to be made to discover some mode of putting a stop to so dreadful and growing an evil. He did not mean to say, that this was a new subject, on the contrary, it had of late been much discussed, and it might be advisable for their Lordships to consider first the steps which had of late years been taken with reference to the subject? The consolidation of the Criminal-law by Sir Robert Peel, and the better arrangement of the Statutes, deserved to be mentioned with praise as tending to remedy the confusion which previously existed. Another step was the removal of the punishment of death in most of those cases in which it had formerly been inflicted; but it did not appear that this change had had any effect in the discouragement of crime, on the contrary, one crime at least from which the punishment of death had been removed, had certainly increased; he meant forgery. In other cases the effect of the removal was, at least, doubtful. Another step which had been taken, was the establishment of an efficient body of police. From that establishment, no doubt, the public had derived great advantages in many respects; but it certainly did not appear that it had had the effect of diminishing crime. Then came the alterations which had been made in prison discipline. The system upon which those alterations were founded, was the division of the prisoners into classes for the purpose of preventing the less depraved from being contaminated by associating with the more depraved. The classification, however, was founded upon false assumptions. The greatest number of persons in prison were sent there for want of sureties. Such prisoners were put into the same class with persons charged with misdemeanors; some of whom were the greatest vagabonds upon the face of the earth. Individuals, therefore, who were put in prison merely for want of sureties experienced all the contamination of an association with persons charged with misdemeanors, and if they were apt scholars, came out of prison prepared for every description of roguery. There was another plan which had been tried with a view of producing Reform in the great mass of the people: and that was education. He confessed he was one of those who thought education would have greatly decreased crime. He regretted to say, that he had been disappointed. He believed that the kind of education which had been afforded had increased crime; and the more he saw, the more he was convinced of that fact. He did not doubt, that the general system of education was very valuable for some purposes; but he very much doubted if the present system gave to the individuals who were subjected to it, such a power over their minds as enabled them to resist the temptation to commit crime. He was fortified in this opinion by the Report of the French Commissioners on the state of education in the United States, who declared it to be the result of their inquiry, that the more knowledge was diffused the more crime was increased. They attributed it to the circumstance, that knowledge created wants among the humbler classes, which the perpetration of crime alone could gratify. Knowledge multiplied social relations; it produced a desire for various enjoyments; and the means of cultivating those relations, and indulging in those enjoyments could not be honestly obtained by the lower classes in their present condition. Such was the opinion of the French Commissioners. He was very much afraid that those Gentlemen were right, and that the greater the diffusion of education, the greater the temptation to crime. He by no means doubted that a proper discipline of the mind in youth was highly advantageous, but he very much doubted if the mere acquisition of knowledge was equally beneficial. Of this he was certain, and he said it with regret, that the kind and degree of education hitherto introduced into this country, had not diminished crime. Having thus referred to the chief preventives which had been resorted to for the diminution of crime and shown that they had failed in their object, he came to the question—could nothing be devised calculated to improve the morals of the people, and afford a rational hope that its adoption might lead to a diminution of crime, by the correction of vice and the encouragement of virtue? He thought some plan might be devised. He thought that a system of prison discipline might be established, although, certainly, at a considerable expense, the effect of which would be found exceedingly beneficial. The two principles on which that system ought to be founded, were—first, that the prisoners should not be allowed to congregate together; secondly, that where that regulation could not be completely adopted, they should be compelled to observe the strictest silence. Such a system was not so difficult as some persons might imagine. It had been already tried in the United States of America to an extent, and with a severity, the adoption of which in this country he should be very far, indeed, from recommending. Not only had prisoners been confined by night in separate cells, and prohibited during working time from speaking to one another, but they had undergone a much more regular system of coercion. They had been employed in large bodies in clearing the ground, and had been driven into the forest to cut down trees for three months together, and though thus congregated they were not only compelled to observe silence, but if any one of them was seen giving even a nod or a wink to a fellow-prisoner, he was immediately taken up, by the orders of the superintendant, and severely flogged. It was evident that nothing like such a system as that could be introduced into this country without shocking the feelings of the whole nation. But without proceeding to such an extremity, he was convinced that a system of silent labour might be advantageously established in the prisons of England. He was happy to say, that upon this subject he spoke from experience. The system had been tried in the West Riding of Yorkshire for some time, and he had been informed by a gentleman in whom he could confide, that it had produced excellent effects, and that he had never seen prisoners in such a state of discipline. Silence was preserved by stopping the meals of those by whom it was broken. It certainly might be exceedingly difficult to secure perfect silence, but not difficult to prevent that conversation by which any of the inmates of the prison could be contaminated. The next point to which he desired to draw their Lordships' attention was the subject of secondary punishments. Under that term he meant to include all punishments short of death. On that subject, also, he could not help thinking that we might derive a very useful lesson from the conduct of the United States. In Pennsylvania, where the punishment of death was abolished, an example had been set worthy of imitation. In that State they had built a prison, called the Cherry Hill Prison, the system of which consisted of confinement in entire solitude and silence. Each prisoner had a cell of certain dimensions, considerably larger than in this country, well ventilated, with a yard attached to it, in which to exercise himself. He had certain descriptions of work provided for him—he was allowed a Bible, and certain religious books. From time to time he was visited by the chaplain of the prison, for the purpose of religious instruction and communion; but except on those occasions the door was closed upon him and excluded him from the world. Hopes were held out to him that his imprisonment might be shortened if his conduct were praiseworthy. He, however, believed in his conscience that such an expectation was injurious, and that sentence once passed ought to be carried into complete effect. To hold out to a prisoner the hope, that if his conduct were good his punishment might be shortened, would, in his opinion, lead only to hypocrisy. The general result, however, of the system which he had been describing was, that the health of the prisoners did not suffer, and that eventually they were brought into a state of reformation. Such a system as that he should propose, with reference to all persons imprisoned for a period beyond six months. The Penitentiary at Millbank was, he believed, well adapted for the purpose, but when it was built, persons were ignorant of the best way in which it could be applied. He was exceedingly glad to hear, however, that the attention of his Majesty's Government had been called to this subject; and that they had employed several persons to inquire into it. He had had an opportunity of conversing with one of them, a very intelligent man, and he was happy to say, that there was a prospect that the experiment would be tried at Dartmoor. The discipline at the Penitentiary at Millbank was this; the prisoners lived apart, and never saw one another except in the morning when they went to the pump to wash, and during a short period of the day when they worked together. Even then silence was enforced; but, when thirty or forty persons were engaged in labour together, the noise, of course, allowed occasional conversation with impunity. Even there the communication between the prisoners was not entirely suppressed, although the governors, he was sure, did their best to enforce silence. These were the two things —silence and solitude—which appeared to him best adapted to bring the mind of the prisoner into the state most calculated to receive good impressions. The best mode of treating restive horses was, to let them have no sleep; and men were kept in the stables to keep them constantly awake, which effectually subdued their spirit, and made them tractable. So it was with solitude and silence as regarded criminals. He was aware that one great objection which had been urged to his plan was, on the score of expense; but he believed, that the cost of erecting suitable cells would not be more than 250,000*l.*—a sum which, as put in competition with the great advantages that might be expected to result from it, was comparatively of no importance. By the statute of the 7th George 4th, c. 74. there were appointed in Ireland, besides the visiting Magistrates, two inspectors-general, who visited all the prisons, and reported their state and regulations from time to time to the Lord-lieutenant. It would, he thought, be a good thing to adopt a similar plan in this country, by which, independently of other advantages, they would be enabled to establish a uniformity of discipline throughout the kingdom. Another serious evil was, that a great number of persons were committed to prison for small offences—such as misdemeanors, and, in many cases, assaults. He had never been able to understand why some provision should not be made giving a summary jurisdiction to the Petty Sessions in cases of this kind. Some such plan would certainly have the effect of greatly diminishing the numbers of those who now crowded our prisons. Not that he desired to give to two or three Magistrates the power of punishing any individual lightly, or without proper guards and protections. Petty Sessions ought to have the power of summoning a jury *de circumstantibus*, to try trifling offences. Six would, in most cases, be sufficient; indeed, it would be frequently impossible to get twelve. Six men of common sense would be quite competent to decide all questions of that kind. Thus would they get rid of that large portion of prisoners who were now exposed to the contamination of a gaol for three or four weeks before they could be brought to trial, and whose offences, if found guilty, were so small, as to render that term of imprisonment more than an adequate punishment. The effect of transportation on criminals was a question which had produced great discussion. The right reverend Prelate, the Archbishop of Dublin, and many other writers, had employed their pens upon this subject; but many of them seemed to have proceeded on a wrong foundation. It had been asserted, that the terror of transportation had in a great measure ceased, and that, as a punishment, it had lost its efficacy. He did not believe it. Transportation produced a great effect on the criminal, and upon the friends and neighbours of those who were condemned to it. The terror of transportation might not, perhaps, deter the regular and confirmed thief, but it had a much greater and more extensive effect than was generally believed. But many measures might be adopted to render transportation, or the dread of it, more efficacious. There should be no remission of any part of the sentence under any circumstances. Every man transported should be made to feel, and the public should understand, that he was entirely cut off from his friends, country, and connexions, during the full period of his sentence. Moreover, there should be no transportation for so short a period as seven years: fourteen years, or at the least ten, should be the minimum duration of transportation; he should, perhaps, say ten years, for he believed no man's life was worth ten years' purchase. It would also be advisable to check, if not entirely to destroy, the transport's means of communication with this country. These regulations would, he thought, render the punishment effectual. Even the most hardened thieves dreaded a long separation from their connexions, and from that round of riotous dissipation which for them had so many charms. The state of the prisons, too, called loudly for reform; and the prisons of London were amongst the foremost which required amendment: their state was really disgraceful; and, however innocent a prisoner might be, if he were once committed to a London prison, there was no possibility of his escaping contamination. The number that annually passed through these prisons was enormous; the leaven of corruption was sufficiently strong to infect the whole mass. He entreated the attention of his noble friend opposite (Lord Melbourne) to this subject. He knew, that it was one which had occupied a large share of his noble friend's thoughts, and surely there was none more important to the well-being of society. He also entreated the attention of those of their Lordships who, as Magistrates in their respective districts, had it in their power to effect many improvements in our prison discipline. He had gone through all the topics to which it was his intention to advert. He would conclude by again entreating the attention of the House to this subject, and by expressing a hope, that what had passed that night would have the effect of rousing the public to the importance of these reforms. He had great confidence in the intentions of his noble friend, the Secretary of State, and in his sincere desire to effect these reforms. Under these circumstances, he trusted the noble Lord would not oppose his Motion. The noble Lord concluded by moving an Address to his Majesty, praying him to issue a Commission "to inquire into, and report on, the state of gaols and houses of correction in the corporate cities and towns of Great Britain, and into the classification, &c. of the prisoners, and the regulations of the gaols, and to inquire whether any and what alterations were necessary in the government regulations, and construction of such gaols, so as to insure a uniformity of prison discipline throughout the whole of the kingdom of Great Britain."

Viscount *Melbourne* felt grateful to his noble friend for the pains he had taken on this subject; and he was sure, that their Lordships would join with him in thanking the noble Lord for favouring them with the results of his experience. As the noble Lord had justly stated, no subject required more serious attention; and he trusted, that the speech delivered by the noble Lord that night would have the effect of drawing to it that sober consideration which it so imperiously demanded. It was, indeed, a question which involved, in no slight degree, the well-being of society. He agreed in almost every observation which had fallen from the noble Lord. At the same time, it must be recollected—and what he was going to say was not for the purpose of damping their Lordships' ardour, or to prevent them from adopting measures likely to be efficacious for the purpose which they had in view,—but it must be recollected, that crime had existed in all ages and all times. All nations had employed themselves for the purpose of repressing it, but all attempts at eradication had hitherto been found ineffectual. He, therefore implored their Lordships and the country not to expect too much, or to form too sanguine expectations of the result of any system. No man could know anything of the mind of another, except what he derived from conjectures founded on the knowledge of his own mind. Persons addicted to criminal courses had minds so constituted, that that they could not be understood by those who had not so unfortunately devoted themselves. Those who had plunged into a career of crime had already got over those moral restraints which were the great bonds of society, and the best preventions of crime. They had got over all sense of moral rectitude—they had got over all sense of shame—they had got over all regard for the opinions of friends and relations, or for their own character and respectability in the world; and then came the Legislature with the last resource—the fear of punishment, which could not be expected to exercise a very powerful influence over those who had already leaped over higher barriers and more forcible restraints than any which that House could possibly oppose to them.

He made these general reflections, because it had too frequently happened, that the best-considered plans had suffered from too great anticipations of the effects expected from them. He agreed with his noble friend, that the increase of crime in this country was exceedingly alarming. He had before him a return of the committals for the last twenty-four years, from 1810 to 1833 inclusive. Their Lordships were aware that they could only know anything of the state of crime in this country by the returns of offences at Sessions and Assizes. He knew, that there were many omissions. All who were convicted on summary process by Justices of the Peace were omitted—as were also all against whom there was not sufficient evidence to warrant conviction, although morally criminal; and all whom the negligence, timidity, or lenity of prosecutors suffered to escape. At the same time the return included all those in whose cases it appeared that no crime at all was committed, and which was a pretty large list—all those who were brought to trial for small offences, as it appeared to him most unnecessarily, and to gratify vindictiveness on the part of prosecutors. Taking into consideration, therefore, what was included on the one hand, and what was omitted on the other, the returns probably furnished a pretty fair average. During the first six years from 1810 to 1816, the average in each year was 6,405; while, during the next six years, from 1816 to 1821, the average was 12,945 per annum, being the enormous increase of 102 per cent. This was a much greater proportional increase than any which had taken place since, and this increase took place simultaneously with the first years of the peace. The first six years were years of war, the next six years were years of peace. For his own part he was very little inclined to trust to any general theory on these subjects, and very little inclined to trust to deductions drawn from such tables; but so great an increase as this, at such a juncture, evidently proved, that the change from war to peace must have had a powerful influence on the increase of crime. The nation had been so long engaged in war that the occupations, habits, and manners of the people were completely adapted to that state, and perhaps, no society had ever undergone a more complete change than that which was consequent on the return from war to peace. During the subsequent periods the increase was much less. From 1822 to 1827, the increase was twelve per cent, and from 1827 to 1833 thirty-one per cent. It was true, as his noble friend had stated, that this increase of crime had taken place during a period when the greatest exertions were made to improve the moral condition of the country. This had been stated by his noble friend with great candour and moderation: but in other places it had frequently been stated with great bitterness, and in the shape of a taunt. It had been asked what had the Church—what had our schools—our mechanics' institutes and societies—done for the moral improvement of the people? This was not a fair and just way of reasoning. It was necessary to consider what these persons were graciously pleased to leave out of their consideration—the strength of the antagonist forces against which they had to strive. Neither ought the increase of population to be forgotten. It was to be expected, that more crime would be committed by a larger than a smaller population; and it should be remembered also, that if crime had increased, the country had greatly increased in wealth, luxury, indulgence, and extent of desire, which were the real causes of and instigations to crime. It was against these antagonist powers, that the moral forces of society had to contend, and, considering their potency, he thought the moral powers had kept their ground pretty well; nor was it to be made a charge against them, that they had not produced what, in such a state of society, was an impossibility — viz. perfect purity and virtue. His noble friend had said, that he did not perceive that any of those advantages had resulted from education which had been anticipated, nor did he expect that any of those advantages would flow from it in future. But his noble friend had not made any distinction between education and the objects to which it was directed. The object of education was the diffusion of knowledge, and knowledge, as they were justly told, was power. But power of itself was neither good nor bad, but beneficial or disadvantageous according as it was used or applied. Knowledge itself did not secure virtue, and they knew, by melancholy examples, that the possession of the highest mental endowments, and the most cultivated intellect, did not save the possessors from the stains of immorality and vice. *Bonis literis Græcis imbutus, bonam mentem non induerat.* The effects resulting from education must depend on the nature and objects of the education. If the education were such as to inspire the lower orders with opinions above their situations, and to impart to them a distaste for labour, it would be the most fatal and destructive gift which could be presented to them. They would present them with an apple from the tree of death. But if the education given to them were such as to teach them the necessity of labour, and of conforming themselves to their situations in life, he could have no doubt that education, based upon such principles, and conducted in such a manner, would be productive of the most advantageous results. He certainly agreed with his noble friend, that it was highly desirable that a better and more uniform system should be adopted for the general government of prisons. His noble friend knew, that he (Lord Melbourne) had not lost sight of the matter, and had, indeed, anticipated him, by stating most of the measures which Government had taken into their consideration. The Government had, as their Lordships were aware, selected a gentleman for the purpose of going to America, and examining very scrupulously and minutely into the state of the penitentiary system in that country. That Gentleman had now returned, and they might very shortly expect that his Report would be made available to them. He would, therefore, put it to his noble friend, whether it would not be better to wait for that Report, in order the better to consider the subject in all its parts and bearings, before so decided a step should be taken as that now proposed. A Committee of the House of Commons, in the Session before the last, made a very minute inquiry into this subject, and recommended, that the large building on Dartmoor, which had formerly been appropriated to the reception of prisoners, should now be devoted to this object, for the purpose of trying the system. Government had resolved to adopt that suggestion, and to propose a grant for that purpose before the close of the present Session. It was intended also to add a clause to the Bill for Trial of Offences in the Metropolis enabling the Court to send any person convicted in London to any prison in the metropolis, and to make the Penitentiary a prison for reform. If there should hereafter turn out to be any necessity for a Commission, the Ministers would be ready to assent to issuing one. The noble Lord would not doubt the readiness of the Government to issue a Commission to inquire into the subject; but at present he thought it advisable to wait for the Report. The suggestion of the noble Lord to establish in England, as in Ireland, inspectors-general of the prisons, was, in his opinion, a very good one, and worthy of adoption. These being the views of the Government, and these views so nearly coinciding with those of his noble friend, he trusted his noble friend would feel the propriety of not pressing his Motion on the present occasion.

The *Lord Chancellor* should not think he was discharging his duty, if he did not make a few observations on a subject so very candidly, with so much moderation, with no exaggeration, and with so much philosophical calmness, brought before the House. His noble friend, who had introduced this Motion, was of all individuals, in or out of that House, the one who, out of the profession of the law, had more opportunities than any other of seeing the working of our system of criminal law, from his situation as Chairman of the west riding of the county of York. It was very possible that the diminution of crime had not borne that proportion which sanguine men expected to the progress of improvement in society. But this circumstance ought not to fill them at present with despair, with apprehension for the future, or regret for their past efforts, or even make them disinclined to continue those efforts in the same direction. The question in this case was rather an abstract one, and did not appear to lead directly to any practical result. It was, whether or not the increase of knowledge—the more general diffusion of it amongst all classes of the community—tended to prevent the commission of crime? He was far from being able to come to the conclusion which had been somewhat more dogmatically stated than he should have expected in the report of two French Gentlemen sent out by the French King, that it was now universally admitted, that those parts of the world where knowledge was most diffused were not the most exempt from crime, but rather the contrary. Who had ever expected, that increasing the knowledge of the community would immediately and directly have the effect of diminishing crime? Who had ever entertained such an expectation had no right to complain of disappointment when he found the effect did not follow his meritorious labours, because he had formed groundless and unreasonable expectations. The tendency of knowledge—at least, its ultimate tendency,—was to improve the habits of the people, to better their principles, and to amend all that constituted their character. Principles and feelings combined made up together what was called human character. And that the tendency of knowledge was to amend this character by the operation of knowledge, and in proportion to its diffusion, there could be no doubt. Its tendency was, to increase habits of reflection, to enlarge the mind, and render it more capable of receiving pleasurable impressions from, and taking an interest in, matters of other than mere sensual gratification. This process operated likewise on the feelings, and necessarily tended to improve the character and conduct of the individual, to increase prudential habits, and to cultivate, in their purest form, the feelings and affections of the heart. Now, he took these things to be so pregnant, that it hardly required any illustration from fact, or any demonstration from reasoning, to show that the inevitable consequences of such a change in the human character must inevitably diminish crime. The effects of knowledge were not new; they were well known to the ancients, who had said the same thing in much better words than he could supply—"*Emollit mores, nec sinit esse feros.*" Knowledge increased the prudential habits, and improved the feelings and dispositions of men. That it was the tendency of education to diminish crime was not matter of argument, but of fact. Let any man go into the gaols, and examine into the condition of the criminals whether they were well educated or not; and he was perfectly certain, that the well-educated would be found to form a very small proportion indeed of the criminals under apprehension, and smaller still of those under conviction. But the way in which this mistake had been committed was this, that in reference to this question knowledge and education were too frequently confounded. It often happened, that what was taken for instruction and education was merely the first step towards it, and many persons were considered as educated who, in reality, were possessed of nothing worthy the name of knowledge or instruction. Reading, writing, and accounts had, during the last thirty years, too often been held to imply education. A person possessed of these might, indeed, have the means of educating himself; but it did not, by any means, follow, that he would exercise those means. It was too much to assume, because in the agricultural districts, where fewer means of education existed, crime was not so abundant as in the better educated and most thickly populated manufacturing districts, that education had no influence in diminishing crime. The kind of civilization which prevailed in the manufacturing districts was not always the most favourable to virtue. In these towns people might be said to live gregariously. But those who jumped to this hasty conclusion overlooked all these circumstances. They said, "So many more persons can read and write in Manchester than in the districts of Rochdale or Saddleworth, with which his noble friend (Lord Wharncliffe) was best acquainted; and there is so much more crime in Manchester than in Saddleworth; and this is all the result of your fine education." Really this was the most one-eyed view of the subject that was ever taken. No one ever said, that reading meant instruction and education—still less did any one ever say, that reading alone would produce the effects of instruction. His noble friend, who spoke last, and who had spoken so eloquently, had entirely expressed his views: "Knowledge is power in whatever way it is used; but whether that power will be available to virtue depends on the kind of education which has been given. If a people were educated without any regard to moral instruction, it was only putting instruments into their hands which they had every motive to misuse. But it was said, why did not education put a stop to the Commission of crime? Education certainly exercised a great influence over the moral character, but he never yet heard it asserted, that knowledge would alter the nature of the human being, or convert him into something of a higher or purer order than the ordinary race of mortality. His noble friend had made some remarkable statistical statements; and it appeared that more crimes were now committed in eight months, than formerly in twelve; but had the increase of population been taken into account? Was it not to be expected, that the criminals would be more numerous in a population of 14,000,000, than in a population of 7,000,000 or 8,000,000? Within less than a century, the population had doubled. Within the last ten years, or rather in the calculations made from 1821 to 1831, the population of England and Wales had increased two millions. Surely it would not for a moment be expected, that an increase so great could have taken place without a corresponding increase in the number of criminals. There were other elements at work besides the increase of population to which the increase of crime was to be attributed. The defects in our legislation had a direct tendency to create crime, and more especially was crime increased by those acts which enforced the taking of unnecessary oaths on frivolous and frequent occasions. These latter worked evil in a two-fold manner; and he was happy of the occasion which the present discussion afforded, and the temperate manner in which it was conducted, to point out the evils arising from this cause. Its first baleful effect was to diminish the sanctity of the oath itself, and by the frequency of habit to make light of the high moral obligation involved in it. Another evil, and one which it would be very desirable that the law should punish, because it had a tendency to beget habits of perjury—and the Judges knew well how difficult it was to be reached—this was the practice of loose and careless swearing consequent upon the revenue and other similar laws, which begot a callousness and indifference to the obligation, and guaranteed a system of prevarication calculated to obviate the ends of justice to a degree, perhaps, as great as perjury itself. There was, in addition to these, another cause, which had long since been insisted on by Sir Samuel Romilly—namely, the hardness of heart and indifference of feeling created by the witnessing of frequent executions. It was very little more than twenty years since, that eight or ten persons were executed of a morning for depredations upon property only, and where no attack had been made upon life. Of the twenty or thirty thousand persons who witnessed this horrid exhibition, he would ask, would not these rather imagine they beheld some disgusting sacrifice offered up to Moloch, than believe, that they witnessed the execution of a Christian law? Did they return to their homes with greater horror of the crime for which the punishment was inflicted, or a greater dread of that punishment? No; these were the last things which entered into their conceptions; but when they were told that these sacrifices were made—not for highway robbery, nor for any crime which had a tendency to destroy life—they proceeded to their homes with a total disgust of the laws; and a more unwholesome feeling than this could not be generated amongst a people who were bound to be subject to them. Such exhibitions as these—he would not call them murders—but such wholesale bloodshed was calculated to harden and vitiate the hearts of those who witnessed them; and it would take a long course of wholesome education indeed before the evil tendency could be thoroughly corrected. The evils of such a system became rooted in the hearts of the people, and education, instead of rectifying, might, in many instances, only render it worse, by adding the power to the will to do evil. Such influences were too powerful, when long continued, to be quickly overcome. Bad parents might have good children; but so long as the children remained within the influence of their parent's example, their virtue would be very problematical. Though many other counteracting influences to the good effects of education suggested themselves, he would not now press them upon their Lordships. Still there was one which it was impossible to overlook—which operated without intermission, and became worse and worse in every effect which it produced—which extended its evil influence further and wider than any other course, and in some parts of the country lowered the population to the level of the very brute, converting them, by its contaminating effects, into common mendicants and sturdy beggars. The monstrous offset to the advantages of education, the gigantic counteracting agent which stifled the desire of independence, and removed all prudential restraints, was to be found in the Poor-laws, or the abuses which in later times had grown out of them. What mattered it that he and others who laboured with him exerted themselves to diffuse information through the land?—of what avail was it that central schools had been established?—what signified it that books had been circulated, and knowledge rendered so cheap as that there was none so poor who could not at the end of twelve months make up, as it were, a library of those cheap and valuable publications? But what signified all this? It was but as a drop in the ocean; it was but the least imaginable particle of antidote in a full tumbler glass of prussic acid, compared with the power which it possessed to remove the obnoxious and overwhelming influence of the Poor-laws. But, still, he hoped he could say, that this cause of evil had now arrived at its worst, and that an effective remedy was now about to be applied. With these opposing influences, with the vices of a population nearly doubled, with the baleful and widespread evils emanating from bad laws, and worst and most extensive of all, with the abuse of the Poor-laws, education, whilst they existed, might as effectually endeavour to compass the good it was calculated to produce, as a little cock-boat to ride up against the Thames when the current rolled the strongest. The effects of education could only be seen when men were thrown upon their own resources—when the abuses of the Poor-laws, which raged liked an epidemic, were done away with—and when it was no longer a fact, that men might be idle or industrious at their pleasure, and the result be all the same. Neither man nor fiend could devise a law so pregnant with evil, so calculated to remove all restraint upon the passions, and destroy every motive to honest and honourable industry. It was ordained, that man should earn his bread by the sweat of his brow; but here was a law which contravened this ordination, which said, whether the brow be parched with toil or wet with industry, or otherwise—whether you labour or are idle, no matter—though the veriest snail, or merest sluggard, you shall eat up the provision of your industrious fellow-citizen, and his labour shall suffice to support you in your idleness. This law said, in effect, "Do not take the trouble to be prudent; never mind how improvident may be the Union into which you enter; do not care how you desecrate the matrimonial rite, by plunging wives into distress, and bringing children into the world for a heritage of misery and want: never consider these, for we prudent and painstaking men will tax ourselves, and yield up the produce of our industry to support you in your lazy self-gratifying courses, and prolong your idle existence out of the results of our earnings". This was in effect the language which the Poor-laws, as abused, spoke to those disinclined to labour. What could be expected from education under such a system, which opened the door to vice, and rendered the feelings of those who availed themselves of its abuses callous to any touch of virtue or better feeling? Would the persons who were thus encouraged to live upon the industry of others—to pick their pockets indirectly—would they be less likely to do so directly? He hoped he had said enough to show the necessity of taking into account the counteracting causes which operated to prevent the extension of knowledge from producing the effect which, but for these obstacles, its promoters had calculated upon. When the contemplated reformations should take place, then would be seen the improvement which would follow in the train of knowledge. On one good result of education there would be no difference of opinion. There was one class of offences which varied in extent and degree, exactly in proportion with the degree of knowledge which obtained in any community;—and here it was to be observed, that knowledge was not in itself a cause of virtue, for the mind might be improved without any improvement of the disposition, and then knowledge might have the effect of making the mind, which was possessed of it, more active in a wrong course, and more powerful in evil; but it was evident, that in proportion to the learning of a country, crimes of violence became more rare. This was obvious in France, and equally so in this country, although crimes of fraud and larceny had not thus decreased in similar proportion. As regarded the question before their Lordships, notwithstanding his objection to extreme and disproportionate punishments, he would not go the lengths to which many amiable but speculative persons had proceeded, repudiating capital punishment altogether, and who grounded their opposition on perverted texts of Scripture wrested to their purpose. He had frequently expressed his opinion on this subject before, and it was not now necessary that he should go into the reasons upon which he maintained it, but would content himself with merely asserting, that the Legislature had a right by every law, human and divine, to enact the punishment of death, but not except in cases where absolute necessity demanded it, and where no other means could be resorted to for accomplishing that which should be the end and object of all punishment—the prevention of crime. It had been formerly the opinion, that human life should be only forfeited in cases where murder had been committed; but this was a mere quibble, and as if the *lex talionis* was to be the principle of the law, nothing could be more absurd or apart from the object of punishment than this. Government possessed its power of punishment, not for the purpose of retaliation, but to prevent future crime, and establish both a warning and an example. It was not on this principle that abolition of the capital punishment for forgery took place, but because of men's minds being so set against it that no convictions ever took place. The same objection to capital punishment did not exist in the instances of rape and arson, they being somewhat of the nature of murder, inasmuch as they might involve that crime in the attempt. Prove that a man enters the chamber of a woman at midnight, and, with a pistol to her head, compels her to give up her casket, in such case a verdict would be sure to be obtained. But there should be certain limits; and in cases where the punishment was so severe as to preclude the obtaining of a verdict, there they should pause, and inquire whether a milder punishment could, with propriety, be substituted. The less punishment there was, the better for society, and what should of necessity exist, ought not to be vindictive, but such as was calculated to give effect to the laws. Some valuable information had been procured with regard to the management of penitentiaries in America, and on these an experiment was about to be tried at Dartmoor. An Irish Prelate, for whom he entertained the highest respect, had added some information on the subject, but though he (the Lord Chancellor) agreed generally in the remarks of the right reverend Prelate, still there was one point on which he differed from him, and that was, the total disapproval of the punishment of transportation. It was not to be denied, that transportation oftentimes proved ineffective, though its inefficiency as a punishment had been greatly exaggerated. It had this inconvenience, that it was too much under the control of circumstances, which, in the instance of persons committing the same crime, made it to one very light, whilst it was to the other very severe. Its efficacy as a general punishment certainly admitted of a doubt, but to say, that in no case it was of effect, would be to say too much. The best system of punishment was that which afforded the greatest variety, proportionate to each crime, and divisible in the degree of criminality. If transportation were rendered as effective as it could be rendered, and the measure of punishment warily meted out, a great improvement might take place. In the first place, the practice of giving leave tickets should either be abolished or very cautiously exercised, nor should the Governor be permitted to let off those who for eight or ten months, put on a face of pretended reformation. The punishment of transportation could be rendered more or less severe, by putting some of the convicts totally apart from others, throwing them into perfect oblivion, shutting them out from Europe and European communication, even to their very names, and thus teaching them to find,—" Even in the lowest deep a lower depth." There then could be another colony restricted also, but in a less degree than the other, and through this the account would be propagated here. Such an arrangement would soon be made known, and cure persons of the desire of going to New South Wales. Other arrangements could be made as regarded the degree of restriction during the voyage, which could be rendered equally effective. Then, besides transportation, there could be superadded a preliminary punishment to hard labour for one, two, three, or twelve months, or with the addition of solitary confinement in cases of an extreme nature. Having said thus much, he hoped his noble friend would reconsider the propriety of urging forward this proposition now. The subject could be well considered during the vacation, when the details would be closely attended to, and steps were already taken by a nobleman who possessed great practical knowledge on the subject, to make such preparation as the important nature of the measure required.

Lord *Suffield* admitted, that a great improvement in prison discipline had taken place, but he did not think that the improvement could be said to follow from classification. He thought that the system of inspection would be found to have effected more for this purpose. Indeed, there was no guide to assist them in the mode of classification; and after making two or three broad distinctions which it was impossible to overlook, he conceived it would be better to commit the rest to the Magistrates, Chaplains, and other officers, who were acquainted with the characters and circumstances of the prisoners. From the manner in which our prisons were constructed there were none where the system of classification could be carried into effect with any chance or likelihood of success; and in many places the crowded state of the prisons would of necessity preclude the attempt. He was of opinion, that the dislike to capital punishments, as well as their inefficacy, would render it desirable that the subject of secondary punishments should be taken at once into consideration, and something be resolved upon. It could not be denied that, in consequence of the alterations which had already been made in this respect, much good had ensued, for prosecutions had been instituted, and convictions obtained, which would not otherwise have taken place. The consequence of that was, what all noble Lords desired, namely, an increased certainty of punishment for offences. The suggestion of the noble Lord to appoint inspectors of prisons had his approbation. With regard to corporal punishment, he did not look upon it as calculated to effect any good. Even amongst the lower animals it was found to be unproductive of advantage, and it could not be expected to operate beneficially upon rational creatures. The noble Lord alluded to two systems which prevailed in America, that of Aubrey and that of Philadelphia, and he very properly gave the preference to the latter, of which corporal punishment did not form a part.

The Duke of *Richmond* agreed in the observations made by the noble and learned Lord on the Woolsack, and hoped another Session would not pass without setting the question at rest. With regard to certain juvenile offences, he would wish to see the Magistrates assisted by a Jury, as he thought there was too much power vested in the hands of the former. In many instances the law operated here most injuriously. It frequently occurred that a boy for some trifling offence had been lying in prison for a month, and when brought before a Magistrate it was considered that a fortnight would have been quite enough of punishment for the offence, and consequently the boy was sentenced to perhaps but one day additional. When the boy went back to his village, this strange conduct excited dislike of the law which confined a boy a month for an offence which a Magistrate thought punished by a day's imprisonment. He knew many Magistrates who, on this account, would rather overlook than call to account slight offenders. But with regard to corporal punishments, he was not so opposed to them as the noble Lord near him. Suppose the case of a minor offence committed by a boy of eleven years of age. How would they treat him? Why, for his own part, he would treat him as he would his own son whom he had sent to Westminster School. His noble friend, however, must not designate such punishment as he referred to, "corporal punishment." He did not see any reason why, if his boy was flogged, flogging should not be inflicted on the son of a labourer. He thought a smart flogging would be much preferable to the confinement and contamination of a gaol. Before he sat down he would suggest to his noble friend to lose no time in endeavouring to ascertain whether the rural police were efficient. He much doubted whether a beadle walking about a district, as they were sometimes seen, were the people on whom they ought to rely for the suppression of offences. He concurred entirely with those who were of opinion, that there was no course better calculated for the suppression of crime than that of making its detection and punishment as nearly certain as possible. As regarded the increase of crime, he feared they might be led into error if they founded their calculations on the increase that had taken place in the number of the prosecutions; he feared it would appear, when the report of the county-rate Committee was laid before the House, that the alterations which had been made in the law, giving parties their expenses, had to some extent operated as an inducement to persons to prosecute.

The Marquess of *Lansdown* rose chiefly to confirm a statement made by his noble and learned friend on the Woolsack as to one important fact. He alluded to the degree of improvement of which our prinever acted beneficially, by deterring any individuals of that class from the commission of offences that would subject them to banishment from their country? In considering this important and extensive subject, the principle of restitution ought not to be lost sight of as it was at present by the laws of England. Unless the thief was found with the purse he had stolen in his possession, the party robbed recovered nothing. He had heard of cases in which persons who had been convicted of robbery and transported, had taken with them the produce of their spoil, amounting to large sums, in one case to 5,000*l.*, and had invested it in the purchase of an estate. Such instances were calculated to alarm bankers; but he did not see why the offender who was convicted and transported, should not be considered in the same situation as the debtor of the party he had plundered. With regard to our colonies, at all events, he could not see any difficulty in keeping a constant liability to execution hanging over the offender's head, just as if judgment had been entered up against him for debt in Westminster Hall. In conclusion, he must express his warm approbation of the interest the subject was exciting with their Lordships. It appeared to him a disgrace to the national character, that more attention had not been paid to a matter on which the well-being of society so much depended. He admitted, that places of punishment ought not to be rendered more advantageous to persons who were immured in them for crime, than were the places from which they were taken; nor ought they to impose more severe suffering than was necessary for the suppression of crime.

Lord *Wharncliffe* replied. He was not generally favourable to corporal punishment; but, in his opinion, young offenders might with advantage be subjected to that description of castigation which was inflicted for misconduct at schools. The effect of abolishing flogging entirely in the army, he feared would be—that it being necessary, as a substitution for that punishment, to send the soldiers who committed offences to prison, they would be corrupted by the associates they found there, and be worse characters when their term of imprisonment terminated than they were when it commenced. This had been found to be the case to the extent to which the experiment had been, up to this period, tried. In obedience to the wishes of his noble friends, he begged leave of their Lordships to withdraw his Motion.

Motion withdrawn.

HOUSE OF COMMONS,

Friday, June 20, 1834.

Minutes.] New Writs ordered. On the Motion of Mr. Charles Wood, for Finsbury, in place of the Right Hon. Robert Grant, Governor of Bombay; and for Kirkudbright, in the room of Robert Cutlar Fergusson, Esq., Judge Advocate.

Bills. Read a second time:—Insolvent Debtors' (Ireland); Roads' Act Amendment (Ireland).

Petitions presented. By Mr. Morgan O'Connell, Mr. Ruthven, and Mr. Fitzsimon, from a Number of Places,—against Tithes.—By Mr. Hall Dare, from three Places, against the Claims of the Dissenters.—By the Earl of Lincoln, from Tenbury, in favour of the Lime Toll Exemption Bill.—By Messrs. Herbert, Peers Williams, and Pigott,—from four Places, against the University Admission Bill.—By Mr. Sinclair, from three Places, for Protection to the Church of Scotland.—By Messrs. J. Buller, Herbert, Miles, and Lord John Russell, from several Places,—against the Separation of Church and State.—By Mr. Lister, from Keighley, against the Poor-Law Amendment Bill.—By Sir Edward Knatchbull, Sir John Tyrell, Messrs. Dugdale, Estcourt, Stanley, Baring, and Bethell, from a Number of Places,—for Protection to the Church of England.—By Mr. Hill, and Serjeant Spankie, from three Dissenting Congregations, for Relief to the Dissenters.—By Mr. Chapman, from Westmeath, for amending the Grand Juries (Ireland) Act.—By Mr. Cavendish, from Stony Middleton, in favour of the Lord's Day Observance Bill.—By Mr. Robinson, from a District of Lower Canada, for a Better Administration of the Law.—By Sir Robert Inglis, the Marquess of Chandos, Mr. Goulburn, and Captain Chetwynd, from a Number of Places,—against the Universities' Admission Bill.—By Lord Henniker, and Mr. Estcourt, from several Places,—against the Claims of the Dissenters.—By Sir Robert Inglis, Mr. Goulburn, and the Marquess of Chandos, from several Places,—for Protection to the Established Church.—By Messrs. Slaney, Hardy, and Bayley, from several Places,—against altering the Sale of Beer Act.—By Mr. Ruthven, from Killelagh, for an Inquiry into the State of their Corporation.—By Sir Charles Burrell, and Mr. R. Palmer,—for amending the Sale of Beer Act.—By Sir Oswald Mosley, from Staffordshire, for exempting Coal Mines from the Payment of Poor Rates.—By Sir Richard Vivian, and Mr. Charles Russell, against the Poor-Law Amendment Bill.—By Lord John Russell, from South Hams, against the Tithes Commutation Bill.—By Mr. Sergeant Spankie, from the Society of Parish Clerks, against the General Register Bill.—By Mr. Morgan O'Connell, from several Places, for the Repeal of the Union.—By Colonel Evans, from a Metropolitan Parish, for Inquiry into the Causes of Drunkenness.—By Mr. Lennard, from Maldon, against the proposed Measure of Church Rates.—By the Marquess of Chandos, and Colonel Evans, from several Places,—in favour of the Lord's Day Observance Bill.—By Colonel Evans, from Westminster, for a Clause in the Justices of the Peace Bill.—By Mr. Clay, from St. Ann's, Limehouse, against the Board of Sewers.—By Lord John Russell, from two Places, for Relief to the Dissenters.

Admission of the Dissenters to the Universities.] Mr. George Wood moved the second reading of the Bill for admitting Dissenters to the Universities.

Mr. *Estcourt* rose to oppose the second reading. The first proposition of the hon. Mover of the Bill was, in his view of the case, self-evident. It was, that education was in itself a good, and that it ought to be extended. This, he hoped, no man was prepared to deny. But in the hon. Member's next proposition, there was an indirect allusion to the education at Oxford and Cambridge. Now, he would ask the hon. Member, whether he considered the system of education at Oxford and Cambridge as a good one? Was that the system which he was desirous of having carried through? Now, if that were so, he (Mr. Estcourt) must say, that the education at Oxford was strictly and essentially a religious education. Was that the education which the hon. Member would have continued for the Dissenters? The hon. Member might mean to say, that the system of education adopted in the University was good, save that part of it which related to religion. If he did not mean to say that, all that he had said meant nothing, for his Bill tended to destroy the present system of religious education adopted in the University. If there could be any doubt on the point, he could refer to the language held by the hon. member for Leeds, whilst acting as the chairman of a large body of Dissenting delegates, to show, that such was the object aimed at by the Bill. On that occasion, the hon. member for Leeds had avowed, that the Dissenters wished to partake of the advantage derived from professorships and scholarships in the University, but that they did not want, nor did they ask for, the privilege of taking degrees in divinity. If that hon. Gentleman was authorized to make that avowal on the part of the Dissenting body, could there be any question on the part of any man gifted with common reason, that the admission of Dissenters into the University, must destroy the religious part of its system of education? He considered, that the real object of the Dissenters was, to adopt a system of education calculated to dissolve that which they called the unjust and unchristian union between Church and State.—[Mr. *Wood:* Such is not the object of the Bill.]—The hon. Member did not avow that object; but there were other Dissenters who did. His hon. friend, the member for Leeds, had avowed it once, and would, he had no doubt, avow it again. He referred the House to the construction which had been put upon that expression of the Dissenters, by the Lord High Chancellor of England. By the severance of the Church and State, his Lordship said, that he could understand nothing but the abolition of the Established Church. Hence, he contended, that though it might not be the intention of the hon. Member opposite, it was clearly the intention of the Dissenting body at large, to sever the Church from the State, or, in other words, to destroy the established religion of the country. The academical education pursued at Oxford was essentially religious — it could not be separated from religion, nor from the religion of the Church of England. If the Legislature either demolished, weakened, or counteracted that education, it would undermine that system of education altogether. He would take the liberty of asking, what was the reason for bringing in this Bill? Who was it objected to this system of education? Perhaps the colleges could find no persons qualified to give lectures. Perhaps the hon. Gentleman had ascertained, that there was some difficulty in procuring young men to enter as students in them. No such thing; so far from this being the fact, never was the University to which he belonged better supplied with lecturers of talent and learning; never was every college in the University so overflowing with young men of studious and industrious habits. He did not know why this application for a change in the studies of the University should come from the Dissenters from the Church. No complaints had been made by the members of the Established Church; why, then, should their privileges be taken from them? His hon. friend near him had, on a former occasion, read an extract from a report made by the London University, in which it was stated, that "where persons of different religious opinions were to be instructed, no religious instruction could be sufficiently imparted in a system of academical education, without a compromise of religious opinion." In that opinion he entirely concurred. It had been stated to him by a learned doctor on a former night, that, formerly, young men on their matriculation, had little or no acquaintance with the articles of the Church to which they were called upon to subscribe. That was now completely altered; the youths at our public schools were well instructed in the articles of the Church, and went to the University with sufficient information as to their meaning, to be justified in giving in their subscription to them. In what he had just been saying, he was speaking principally of the University which he had the honour of representing, but he believed, that his remarks applied with equal justice to the University of Cambridge. It had been urged, that if admission to the Universities were granted to the Dissenters, those admitted would be too few to do any harm to those corporations. This argument had been urged in behalf of Catholic emancipation, and the whole country was now acquainted with the result of it. As Legislators, they ought not to argue in so partial a manner, for whether the Dissenters admitted to the Universities were many or few, the result would be the same. If there was only one Dissenter admitted, the religious opinions of that one must be respected. In lectures, there must be a forbearance shown to his feelings, or else he would not attend them. It was, however, a very different matter, whether the absence of a Dissenter from chapel or lectures was permitted by connivance, or whether he was permitted to say,—"I will not be forced to attend your chapel, or your theological lectures, for I have the hon. member for Lancashire's Act to defend me." Was it not certain, that the Dissenters, if admitted into the Universities, would act in a body, and do all in their power to favour persons of their own persuasion. What, too, would be the case of a young Churchman meeting a young Dissenter in the University, armed at all points in defence of his own theological doctrines? Would not that be productive of great inconvenience, and of much warmth and bitterness of spirit? He reminded the House of what had occurred in a mixed institution, kept by Dr. Doddridge about ninety years ago, and read an extract from that learned divine's works in explanation of it. The hon. Member also read the opinion of Robert Hall, to show, that great inconveniences must result from educating the different classes together. With the facts stated by these learned divines before them, was the House prepared to break down the system of the Universities, in order to produce young men who, instead of being instructed in the tenets of their own religion, and being distinguished for piety and virtue, would be more distinguished for their learning than for the fervour of their religious devotion? He hoped, that the hon. member for Lancashire would reflect on the danger of persevering in this his desperate course. He turned to the pamphlet of Mr. Whewell, the able and distinguished tutor of Trinity College, Cambridge, and he found in it this question,—"Is there not a manifest purpose to combine religion with the important events of our lives, and the daily course of our employments—not merely if we choose, if we are in the mood, if we happen to recollect it, if we have no objection, but inseparably, necessarily, as a matter of steadfast institution, of inviolable custom? Surely it is in this view that the great events of life—birth, and marriage, and death—are accompanied by solemn and affecting religious ceremonies; that prayers, at stated hours, on stated days, are made in all civilized states; that our daily employments, our daily meals, are accompanied by petitions for the blessing of God. The object of these institutions, as rational as they are universal in the Christian world is, not to give us 'the full consciousness of freedom,' not to avoid all 'prescribed exercises,' but to bind religious thoughts upon us by the strongest of all constraints—the constraint of habit; to teach us to connect the approval and sympathy of our fellow-citizens with the acknowledgment of our dependence upon, and trust in God; and to make us feel, that there is a 'reward proposed' even by men for what they think to be religion, namely, the good opinion and good-will which they gladly give to those who share with them the most solemn of their hopes and fears, and their reverence for a supreme rule of life." Now, if that be so, should not religion be made a part of every system of religious education? It was essential, not only for the welfare of the State, but also for the welfare of mankind in general, that every man should be educated in the pure tenets of religion. He knew that Gentlemen differed as to what those pure tenets were; but if his constituents at Oxford thought that theirs were the pure tenets of Christianity, surely they ought to be permitted to launch the young whose education they superintended into the world, versed not only in those tenets, but in all the other doctrines which spread a charm and a value over human life. He thought, that the hon. member for Lancaster would find himself environed with difficulties, even if he succeeded in passing the Bill. The statute of examination required a knowledge of the thirty-nine articles. It was to this effect:—"Let the articles also of doctrine put forth in the synod of London, in the year 1562, form part of the subjects of examination, in which articles, according to the statutes of the University, tutors are bound to instruct pupils committed to their tuition." He should like to know, how this statute would be complied with when the University was filled with Dissenters. The statute then proceeded,—"Touching the points of doctrine themselves, let there be first questions proposed, short and clear; then let the candidate be called upon to adduce those passages of Scripture, by which the particular doctrine under consideration may be principally proved. Furthermore, the evidences, as they are called, or the arguments upon which rests the truth of religion, natural as well as revealed, are by no means to be omitted out of this examination." How, he would ask, would the Dissenters avoid compliance with this statute? He supposed, that the answer would be, by this Bill. Then, this Bill would be a direct interference with the internal legislation of the Universities. Now, there was no precedent for any such interference by either House of Parliament. If this was a good precedent for interference with the Universities, it was also a good precedent for interference with all corporate bodies, and indeed, for the infraction of every public and private right. Then, as to the statutes about admission, what did the hon. Member mean to do with the heads of houses, at whose discretion young men were at present admitted into the Universities? Did he mean to say, that the heads of houses were to admit anybody and everybody who applied to them, or that they were to have the same privileges which they enjoyed at present, with regard to the members of the Established Church, but that, with regard to Jews, Unitarians, and Atheists, they must exercise no discretion, but admit them at once, as matter of course? If that were to be the case, this legislation was not only useless; it was also positively insulting to the Universities. He understood, that the Dissenters complained of the monopoly enjoyed by the Universities. Now, if there were no such thing as an Established Church, he could understand the grounds upon which their complaint was founded. But there being an Established Church, to which the Universities were attached as a part, he said, that the Dissenters had no right to complain of them as a monopoly. They were specially founded for the propagation of the doctrines of the national Church, and they answered the purposes of their foundation, by rearing a race of pious and learned clergymen for the service of that Church. He was anxious not to say anything that might be deemed offensive; still a sense of duty compelled him to speak that which he believed to be the truth. It appeared to him that, through the medium of this Bill, the Dissenters were artfully attacking the very existence of the Established Church. He said artfully, for they were not attacking it openly and fairly, but under a species of disguise. After they had succeeded in destroying the Established Church, he thought, that the Dissenters might come forward, plausibly enough, and say, "Why maintain these institutions, where you can no longer rear a pious and learned clergy for the service of the Church?" But the Dissenters knew well that, so long as there was a pious clergy to instruct the laity, there would be a pious laity to defend the Church, and, therefore, they felt, that they would not be able to make any progress in subverting the Established Church so long as the Universities existed with their present privileges. They, therefore, made an insidious attack upon the Universities, knowing, that if they could remove the key-stone upon which the Established Church rested, they must bring down the rest of the edifice in ruins, and that, in that case, they would have little or no difficulty in separating the Church from the State. Great changes had taken place in the Universities of late years, in consequence of the relaxations which had been permitted in their Statutes. Those changes were incidental to the state of the country. He warned the House, however, against listening any further to the applications of the Dissenters, for the toleration which had been granted to them had not been granted for the sake of encouraging Dissenters, but of diffusing peace and goodwill throughout the country. When he found that attempts were made daily to deprive the Bishops of their seats in the House of Lords—when he found that the funds heretofore applied to the support of the Church were now considered as disposable property, and were proposed to be taken away from the Church—when he found that, under the auspices of the present Ministry, the Universities, in which the clergy had been hitherto reared, were to be set aside from the Established Church—and when he likewise found, that it was avowed that there was a desire abroad to sever the Church from the State—the only conclusion to which he could come was, that a dissolution of the tolerant Established Church of this country must follow. He would remind the House, therefore, that, at a late meeting of liberal Christians of various denominations, a Resolution was agreed to, in which they declared, that they regarded the Church of England as one of the greatest national blessings Divine Providence had bestowed upon the land, as it had, at all times, and under all circumstances, been the strong advocate of toleration. With reference to the Bill of the hon. member for South Lancashire, he could not help saying, that it was a specimen of legislation entirely without precedent. It ought to be impressed on the mind of every Gentleman in the House, that there was no precedent to be found for Parliament legislating for the two Houses of Convocation in the two Universities. There had sometimes been communications between Parliament and those bodies, but never till now had any interference by Parliament with the legislation of either of them ever taken place. The hon. member for South Lancashire could not say, that this Bill did not interfere with their legislation, for one of the clauses in his Bill was to this effect;—'That no 'statute, law, ordinance, decree, or grace, 'made or passed by any authority what'soever in any of the said Universities, or 'in any of the colleges or halls within the 'same, shall in any manner obstruct, 'limit, or qualify the plain intent and 'obvious meaning of the foregoing enact'ments; but such statute, law, ordinance, 'decree, or grace, shall be, to all intents 'and purposes, void and of no effect.' He said, that in that clause an end was put to the constitution of the Universities. In the next session of Parliament they would have some gentleman or other, belonging to some dissenting sect, starting up and saying, "This restriction is too bad, and so is that; I must introduce a Bill to take them both away. The Universities must not be permitted to legislate on such subjects—they must not make laws; but we must make new laws to meet our own views and answer our own purposes." If the hon. Member were prepared to reduce the ancient institutions of the Universities, ancient beyond the memory of any of our Kings, to the state and level of the London University, he could understand his object in bringing in this Bill; but, if he wished those ancient institutions to continue in existence, and retain their former credit, he could not understand what the hon. Member meant by a specimen of legislation which was calculated to overthrow their entire constitution. After quoting the protest of Mr. Sewell, a member of the University of Oxford against any interference with the privileges of the University, the hon. Member expressed his hope, that the House would stand by the Universities and the Church on the present occasion. In his conscience, he believed the Bill to be fraught with danger to the most valued institutions of the country, to the safety of the monarchy, and the welfare of the empire. Entertaining such sentiments, he felt it to be his duty to move, by way of Amendment, that the Bill be read a second time that day six months.

Mr. *Herbert* seconded the Amendment. Was it the intention of the House, he would ask, to revoke the Acts, regulations, and by-laws of the Universities by which Dissenters were excluded from them? If such was their intention, they had better give their sanction to the measure before them. There did not exist a single bylaw in the colleges of the Universities, nor even a single custom, which did not go to obstruct Dissenters, and prevent them from being admitted to qualify in the Universities. How could a Dissenter become a master in any of the colleges, when, to be one, a complete knowledge of the tenets of the Established Church was necessary? No matter how great a proficient in learning he might be—no matter how brilliant were the talents with which nature endowed him, a religious education was a *sine qua non.* What greater objection could there be than this? Even the Dissenters themselves, when such was the fact, ought not to wish to enter these colleges, and be under such masters, and be continually present in a place where a system of religious education was adopted from beginning to end. It appeared to him, that it must always be a grave subject of displeasure to the Dissenters themselves to be obliged to attend lectures in which they would hear the tenets of their own Church completely controverted. But, perhaps, the House did not wish that there should be any religious education at the Universities. If such was the intention of the House, they would prove it by passing the Bill before them. He really doubted whether, even if the Dissenters were admitted to be masters, they would turn out to be proper ones. A school for Dissenters had been formerly established at Daventry; but it had failed, and the teachers and ministers that school sent forth had so much vagueness in their opinions, that their tenets and the subjects they preached about had the very worst effect possible upon their flocks. The introduction of Dissenters as masters in colleges was a very serious matter, and one that should be gravely looked to. Let the effect it would have on the pupils of the Universities be considered. For his own part, he did not think, that the pupils would pay much attention to the instruction of teachers from the religion of whom they differed. Could it be expected, that those pupils would ever look with much reverence on the religion of the Established Church, when they saw it treated with indifference, as it would be if the Dissenters were allowed to become masters? In these times of trouble—in these times of dissension of every species—the admission of Dissenters into the Universities would be nothing less than opening them to conflicting opinions, and making them an arena for religious animosity, instead of allowing them to be the quiet seats of study. The Bill before them was very extensive; it allowed a far wider latitude than appeared at first sight, and under its cloak infidels and atheists would creep into the Universities. If the Dissenters followed the course he thought they would pursue—if they denied religion—if they refused to allow it to enter into their system of education, or gave at best but an emasculated education, what would be the consequences? Why, the noblemen and gentry of the country would cease to send their sons to the Universities. But here it might be argued, that it was not necessary that English Gentlemen should be acquainted with controversy, but, at least, they should be made acquainted with the tenets of the religion they professed. But were not some of them destined to be the ministers of the Established Church afterwards? The moment the laity were excluded from having a religious education, that moment you excluded those who might, in time to come, become ministers. He looked upon this Bill as one that would eventually have the effect of excluding ministers from the Universities. It would, also, have a very bad effect,—a worse one, perhaps, on the laity,—since it would prevent them from forming, at the University, attachments with those who would become afterwards ministers of religion. Preventing this would, likewise, lead to another evil consequence. By breaking off the early acquaintance that might be formed between the minister and the gentlemen among whom he might afterwards reside—and this the Bill would do—a stop would be put to the mutual assistance they would afford to each other in making the stream of benevolence flow more rapidly and broadly. He was aware that the party who looked upon all that was said on that side of the House he was on, as intended to incite religious animosity, considered with contempt all the attainments acquired at the Universities, looked with disdain on the acquisition of the dead languages, and despised everything like polite literature. There were others who were tricked by a false seeming of liberality into a support of this measure. He would ask one plain question. Would they, by passing this measure, close the doors of the Universities on the nobility and gentry of England in order to open them to a small body of individuals, for a small body the Dissenters must be considered when compared with the rest of the population of the country? But the Dissenters were a rich, and, he understood, a respectable class of persons. Why, then, did they not found and endow colleges of their own, and teach in them whatsoever they chose? The Protestants would not interfere with them—they might have whatever test of admission they pleased—for the Protestants would no more ask to be admitted into their colleges than they now asked to be admitted into Maynooth. Let the Dissenters erect their own colleges, and, if they should happen to produce, as the English Universities already had, great and eloquent statesmen, profound philosophers, and men who would be an ornament to society, then would their country be grateful to them for the benefit they had bestowed upon it. He felt grateful for this opportunity of paying a tribute of respect to those Universities, to one of which he was indebted for his education.

Mr. *Peter* said, that whilst he gave his cordial support to the second reading of the Bill, he must, at the same time, express his concurrence with the hon. Member who had just sat down, in deploring the violence which had been displayed by some of the Dissenters, in condemning their gratuitous and uncalled for interference with the English Church. No man more deeply regretted such proceedings than he did. But whilst they thus condemned the conduct of those Dissenters, they should take care not to follow their example. Their folly and injustice could never sanction ours—their demand of what might be unreasonable would not sanction us in withholding from them what was really their right and due. With respect to the arguments which had been advanced by the hon. member for the University of Oxford, he (Mr. Peter) thought, that the time for many of them had long gone by. Why if his arguments were of any validity—if his principles were correct—then, not only was the proposed measure impolitic and unjust, but every former concession—the repeal of the Test and Corporation Acts—Catholic Emancipation—all that had been done for Dissenters during the two preceding reigns—must be equally so;—every execrable Statute which once deformed our Statute book ought still to remain there, a record of barbarism and cruelty and superstition to remotest generations. But, in our zeal for the name of Christianity, let us not lose sight of its spirit and practice. Let us not forget, that it is the religion of peace and charity, and that one of its fundamental laws and precepts is, that we should do, as we would be done unto. Now, was this the principle on which we had acted towards the Dissenters? Had we, he repeated, always acted towards them, as we would have wished them under similar circumstances to act towards ourselves? Was proscription from the privileges of their fellow-citizens—was the degradation of their whole body as unworthy of all academical advantages and distinctions—was this the justice, which (supposing them to have been the dominant party in the State)—was this, he would ask, the measure of justice which we should have been satisfied in seeing meted out by them to our children and ourselves? He contended that we had no right to make the creed of our fellow subjects a matter either of punishment or reward. He contended that all restrictions, tending to exclude any particular sect or class from privileges enjoyed by the rest of the community were positive wrongs, and repugnant to the spirit of Christianity. It was not distant or problematical good, but the pressure of some great physical or moral necessity which could alone justify their infliction. How far this might have been the prevailing motive with the framers or enforcers of these articles, it was useless to inquire, our object was, to consider the policy or impolicy of their continuance. It had been recorded of a great man of ancient times—the Emperor Julian—that he made a decree, prohibiting Christians from the study of Heathen learning, for, said he—they would wound us with our own weapons—they would overcome us with our own arts and sciences. Such were the fears expressed by that celebrated Apostate, with respect to the early Christians, who were the Dissenters of his age;—and to listen to the opponents of the present measure in the two Universities, one might almost imagine that they were actuated by similar apprehensions. The hon. Member who had just spoken (Mr. Herbert) had asked why the Dissenters did not found colleges for themselves in which they might teach whatever tenets they liked best? But no—the Dissenters were not allowed this privilege. The Universities had proclaimed, that—as far as academical distinctions and advantages were concerned—the Dissenters should not be educated at all. They closed their own gates against them, and would, if possible, prohibit all others from being opened to them. They would neither permit them to graduate within their own walls, nor allow the London, or any other University, the power of granting them degrees within theirs. Now even had these things been merely titular and honorary, and attended with no worldly advantage — still he would say, that the withholding of them was a grievance, an injustice. But this was not all: it was not the mere degradation, mortifying and heart-galling as that must be to every generous mind—it was not merely the degradation and dishonour of which the Dissenter had a right to complain. He suffered also a personal injury, a positive evil; he was retarded by it in the various paths of his professional life. Would he be a lawyer? he was to be delayed for two years in his call to the Bar. Would he practise medicine? he could not even become a fellow of the Royal College of Physicians for the want of a University degree. Now these were hardships—these were positive evils and inflictions coming home to the bosoms and pockets of all classes of Dissenters. It was not, however, only in justice to the Dissenters, but for the sake, no less, of members of the two Universities and of the Church of England, that he would remove these restrictions. If any one thing tended more than another to weaken those establishments, to counteract their utility, and to deteriorate their character and influence in the estimation of society—it was a system of intolerance—it was the continuance of tests and restrictions which the age had so long out-grown, and for the abrogation of which not only the Dissenters, but many of our most pious and enlightened Churchmen—many of the most distinguished members of one of the Universities, had implored the Legislature. He (Mr. Peter) could himself bear testimony to the truth of much that had been said on the subject. Though a Churchman himself—though a Churchman as much on principle and reflection, as by education and early habit—he never looked back without shame and regret to the utter levity and ignorance in which Oaths were taken, and Articles of Faith subscribed at the University of which he was a member. He had known students, when called on to subscribe or swear to the Articles, and when expressing their doubts and scruples about some, or their objections to others, he had known them told by their tutor, that it was a matter of no importance, that the Articles admitted of a great latitude of interpretation, that every one might put his own construction on them, and that, in short, it was all a mere form. Now, was this as it should be? Ought such a state of things to be tolerated in any institution—in any establishment for the education of Christian youth? The hon. member for Oxford, after having conjured up various difficulties and objections to the admission of Dissenters, had stated, that it would interfere with the studies, and subvert the system of religious instruction so long and so beneficially exercised in the Universities. Speaking, however, from his own experience, he (Mr. Peter) would say, that he knew of no studies, no lectures, no examinations, with which the presence of Dissenters need, in any way, to interfere. Students, in his day, were not compelled to attend the Divinity Lectures of the University, and as for examinations, there was nothing in them to which Dissenters would not submit. They were, in fact (as Professor Sedgwick had stated), tests not of Orthodoxy, but of learning. They were so considered in former times, and such, he believed, they continued at the present day. But the chief difficulty had been already overcome at Cambridge by the admission of Dissenters to residence and study; and if they could safely be admittted to residence and study, why not to their degrees? At Oxford, indeed, where Dissenters had not yet been admitted, there might be greater difficulties and prejudices to combat; but who would say, that, after having been overcome in one of the Universities, they were to be deemed insuperable in the other? The hon. member for the University of Oxford had lamented the prevalence of Dissent; but was he taking the best way to arrest its progress? As a sincere Churchman, he (Mr. Peter) had often regretted it; and yet, on maturer consideration, he doubted whether even good had not come forth out of the evil. It might be questioned, whether the excitement and inquiries, which had in some instances, led to Dissent, had not, in others, been conducive to the spread and confirmation of religious truth? Truth was compared in Scriptures to a streaming fountain. If her waters flowed not in perpetual progression, they stagnated and sickened into a muddy pool of conformity and tradition. A man (as Milton had somewhere observed) might be a heretic even in the truth, if he believed things only because his pastor, or the Council said so, without having reasons for his belief. How much soever, then, as Churchmen, we might deplore the prevalence of Dissent, we had, at least, this consolation, that it was no proof of religious indifference or unbelief. It was not the smooth Epicurean, it was not the scoffing Infidel or Freethinker, that fought about creeds, that quarrelled with Conformity and Subscription. No, quite the reverse. It was the earnest inquirer after truth; it was the man, who believed, and wished to have reasons for his belief. It was men of this description, it was of men of this character, that a large proportion of the Nonconformists was composed. This was at least a consolation to us as Christians, as members of the Protestant Reformed Church. As long as true religion continued to increase, and to interest and bless mankind, so long would the rites and denominations of its followers be found to vary. A Catholic Conformity was no longer possible. But that was a circumstance which could only be formidable to intolerance and oppression. A truly enlightened and Christian policy knew how to reconcile all sects and interests with the public good. It would contemplate them not as isolated and useless fragments, to be trampled on or rejected at pleasure, but as essential parts of one great and important whole—as the several but connecting links of the same chain—as the various, though concordant voices, that swell the grand choir of religious gratitude and joy. With respect to the arguments of the hon. member for Oxford, he (Mr. Peter) repeated, that the time for them was gone by. They might have had their weight in the reigns of Elizabeth or James 1st; they were wholly out of place and season in a Reformed House of Commons of the 19th century. He meant nothing disrespectful towards the hon. Gentleman, whose high honour and integrity he had long held in the sincerest esteem; but judging from his arguments, he should say, that he had not been sufficiently observant of the age and of its signs. In the language of an enlightened philosopher and historian, once a Member of that House, he (Mr. Peter) would say, that the hon. Gentleman, as well as many of those whom he so faithfully represented, reposed too much on their early creed. They had neglected the progress of the human mind since its adoption. Even now that it had burst forth into action, they seemed to regard it as a mere transient madness, worthy only of pity or derision. They mistook it for a mountain torrent which would pass away with the storm that gave it birth. They knew not that it was the stream of human opinion —*in omne volubilis ævum*—which the accession of every day would swell, and which was destined to sweep into the same oblivion the resistance of learned sophistry and of powerful oppression. As a sincere friend to both the Universities, as a sincere friend to the Established Church, to that Church which, in his conscience, he believed to be the best barrier and defence to fanaticism on the one side, and to irreligion on the other, he gave his cordial support to the second reading of the Bill.

Mr. *Poulter:* Having lost all hope that the enlightened sentiments contained in a petition lately presented to that House, on behalf of some of the most distinguished members of the University of Cambridge, will ever become the sentiments of the majority of that University, and despairing still more as to those of the University of Oxford, I think the time has arrived for the interference of the Legislature. There was a time when the exclusive principles of the Universities were less in hostility to the spirit of the age than they now are. When a vast majority of the people were attached to the Established Church, these principles, although objectionable, might find some sort of justification. That state of things has long and utterly ceased to exist. An immense body of Dissenters have grown up, and their just rights can no longer be resisted. I believe the extent of the present dissent has been owing to ourselves—to the want of a better administration and distribution of the property of the Church, and to its not having been properly brought into contact with the new and increasing population of the country. It is now vain to inquire into all the causes of that dissent, which can no longer be treated with neglect or indifference. It has been said, that the admission of Dissenters will destroy the whole system of education and the uniformity of studies. I cannot believe this. I attribute the existence of all difficulty in the case, to deep-rooted though respectable prejudices: whoever has resided at the Universities well knows, that every possible variety of circumstances attends the present situation of students. There are the two great classes of independent and dependent members, of each of these you have various subdivisions; and yet, who ever heard that these widely marked distinctions and separations were inconsistent with the good government of the Universities? While some persons are receiving considerable emoluments, others are put to a very large expense, and both in *statu pupillari.* You have fellows and students, gentlemen-commoners and commoners, separated in their college-halls, separated in their circumstances, and separated, more or less, in their society. If all this can co-exist with a perfect state of peace and order, why is it that a single exception in the course of studies as applied to one particular class should be destructive of all government? It has been urged, that the admission of Dissenters would involve a violation of the obligations and even the oaths of the teachers of youth. If the Legislature should interfere, a different regulation must be adopted, leaving the obligation to teach certain religious doctrines as it now stands, in reference to the members of the Church, and doing away with such obligation as to Dissenters, and *cessante ratione, cessat juramentum.* But fears are expressed, that all this will lead to irreligion. Are the dissenters an irreligious body? Can there be the slightest doubt, that if they send their sons to the Universities, they will either become adherents to the Church, or attend places of religious worship according to the doctrines of their own persuasion? But all this will destroy the union of Church and State. I think it will confirm it. Petitions were almost daily presented to this House complaining of the union, and seeking to destroy it. I believe those complaints to be entirely attributable to the grievances which are so unnecessarily connected with that union. The union, taken by itself, I believe to be not only unobjectionable, but absolutely necessary, if there is to be any religion in the country. I am for putting an end to these grievances, for giving the Dissenters a perfect equality in all civil rights, for admitting them to these seats of learning, for following up, in their favour, the principle of general benefits and general advantages, and, by these means, I believe no more will be said against this union of Church and State. It must be admitted, that the Church is supported by its own property. It is true, that its higher preferments are in the gift of the Crown; but I would ask, to whom could their disposition be so properly confided as to that of the Crown, acting under the advice of Ministers, who are bound by a never-ceasing responsibility to the King, the Parliament, and the people. It is well-known that there are certain acts of State partaking of a religious character; I would mention two — the Coronation and marriages of our Sovereigns. By whom, I would ask, should the religious portion of those ceremonies be performed, but by the ministers of some definite Church, and therefore by the ministers of the Church of England? I will mention the very familiar instance of this union in the prayers which are daily read before both Houses of Parliament. Would any law-maker think that those prayers should not be performed by the ministers of that Church? Whatever objections may exist as to the Church, they are not to the ministers, but to the system of administration and distribution. It is strongly urged, that the interference of the Legislature will be a violation of private property. I can never regard these institutions but as public and national institutions, and therefore subject to the control of Parliament. There is, however, considerable plausibility in this argument. This is the fourth great subject on which this argument has been insisted on. It was first urged in support of the exclusive franchise, and in opposition to the Reform Bill. It appeared again in relation to the property of the Church; again, on the subject of municipal Corporations; and now in the defence of the Universities. I believe the constant and familiar contemplation of questions of corporate rights and property, decided entirely on the principles applicable to private individuals, and private rights, have misled the minds of many most conscientious persons. The books of law abound in such cases, all following the ordinary rules of justice, and most properly so. Then it is very plausibly said, "No interference can be permitted, for none has ever taken place in property of this description, without legal redress." But the House should consider who were the parties in those cases with whom these corporate bodies, or their members, have at any time had to contend? The answer is plain —either actual or supposed wrong-doers. In the case which has now arisen, a new and very different party has appeared upon the scene; and that party is no other than the nation itself. True, it certainly is, that these institutions have been hitherto left to themselves; true it is, that the nation has hitherto left them to their own administration and government, accountable only to the ordinary rules of law, as applicable to private rights and private property. But that nation which has hitherto been passive, has at length, after a long series of years, seen the propriety and necessity of looking narrowly into its own institutions, with the view to give them a more enlarged and more national usefulness. All this is *diverso intuitu* with the subject matter and object of legal adjudications. It is wholly unconnected with any angry feeling, or any imputation upon persons: whatever abuse may have occurred, is willingly regarded as the result of long and inveterate practice, and as involving no personal charge or crime. The nation has a great Constitutional purpose in view, and is bound to pursue and to maintain it. The principle of Reform would be incomplete without it. The institution of the Universities, like many others in Church and State, notwithstanding the resistance of so many of their members, is looking to Parliament with hope and anxiety, *expectans novam editionem, auctiorem atque emendatiorem:* I believe, that by no other course, could you ever hope to present to the world the glorious spectacle of a truly contented, and truly united people.

Mr. *Ewart* said, that however much he desired the "*novam editionem*" referred to by the hon. member for Shaftesbury, he did not expect "*auctior et emendatior*" from the Universities. It must come from the nation at large, or it would not be obtained at all. The Pope did not exclude Jew or Greek from the University of Bologna. Was it intended that England should continue to be more illiberal than Italy, and were Dissenters still to be excluded from our Colleges? He would ask, whether the present system did not produce, in addition to the surely sufficient evil of exclusion, the evils of hypocrisy and indifference? He might quote the name of Adam Smith, and Gibbon, and other names, which were like household words in the mouth of every man at all acquainted with literature, to show that the exclusive system pursued in the Universities, instead of causing a respect for religion, as the supporters of such a system pretended it would, effected quite the reverse, and generated hypocrisy and indifference to all religion. Of this he felt convinced, and he rather thought that no man of common sense would controvert the proposition, that the proposed change which he hoped they were about to introduce, would bring to the Universities themselves great and considerable advantages. The evils of hypocrisy and indifference, as well as of exclusion, which were the offspring of the present system, would be remedied by the measure introduced by his hon. friend. The adoption of it, besides, would relieve the University authorities from the commission of that which had been well described by Sir George Saville as the greater sin—the sin of the tempter. But the paramount advantage with which it was pregnant, an advantage which one would have hoped the so ostensibly avowed Christian spirit of those who out of doors so violently opposed such a measure would have conciliated their support for it,—was, that it would open to the great body of the population of the country the literary advantages afforded by the Universities. He was ready to admit that our Universities afforded to students an excellent and well-grounded education. But having been himself present at foreign Universities, he must say, that it was his deep conviction, that our Colleges attended too much to the minuter points of learning, and that they did not in the course of education which they prescribed sufficiently dwell upon those subjects calculated to expound and enlarge the human mind. The system which had been pursued in our Universities, at least up to a very recent period, and especially in the University of Oxford, was anything but calculated to foster a generous spirit of independence. It was a narrow—an exclusive system, an aristocratical system, with all its faults and none of its redeeming qualities. He must say, that he had himself witnessed at Oxford,—he did not know whether the unworthy system was still continued,—and he had witnessed with regret, a large and respectable class of persons in different habiliments from the other students, and he had seen those persons obliged to bring in the dishes which were placed upon the tables for the dinners of the Fellows. He was amongst those who would rejoice that their circumstances in life saved them from stooping to such humiliating courses in seeking for the lore of literature, and he trusted that ere long distinctions that really disgraced a seat of learning would be put an end to. At present, the distinctions amongst the students in the Universities were not distinctions arising from differences in learning, talents, or virtue, but distinctions arising from rank and wealth. Could the Universities deny that they taught an immoral principle in thus enforcing an undue respect to wealth and rank, to a rich dunce or a titled fool? Could they free themselves from the charge, that they erected a false standard of morals, when they thus awarded to adventitious circumstances that honour and that respect which merit and virtue should alone command? Surely that which pretended to be a seat of learning, should in truth and reality vindicate to itself the noble title of the Republic of Letters. The poor man's merit there should not be overshadowed by the rich man's wealth, and least of all, in such a place, should the false and narrow-minded system of exclusiveness,—a system abhorrent to the true spirit of literature, meet with encouragement and support. He would state, from his own experience at the University, that so much was the spirit of exclusiveness fostered there then, that the members of different Colleges would not speak to each other [*a laugh*]. Some hon. Members might laugh at that circumstance, but he must say, that it was one which made a deep impression on his mind at the time. The cause of religion would be advanced greatly by the carrying of such a measure as this. He felt great pleasure in voting for it; he hailed it as the commencement of a sound system of education, as the following in the wake of other countries in imparting education generally to the people [*hear, hear.*] He heard some Gentleman cry "hear, hear," in an ironical tone to that statement. He would ask those Gentlemen, whether at present we promoted education in the same manner that they did in Germany and in the United States of America? Was there any man so uninformed of what was going on, as to deny that we were following, and properly following, in their footsteps? He would refer those who wanted information as to the provision afforded for education in Germany, and more especially in Prussia, to the able Report of M. Cousin on the subject. That Report might wound our vanity, but it should instruct our understanding. While he was sure that few, if any, evils could be anticipated from such a measure as this, he was confident that it would be followed by lasting and substantial good, and it should have his most cordial support.

Mr. *Edward Buller* was convinced that if the Bill passed it would leave the Colleges as they were, and would enable the Heads to establish such rules as they thought necessary for their internal regulation, and would only remove the tests now taken on admission to Oxford, and in taking degrees at Cambridge. He thought what the Dissenters demanded was consistent with the spirit of the times and with the spirit of the Constitution. There was a time when the Constitution was exclusive, but it had ceased to be so. Brighter prospects had been opened by the repeal of the Test and Corporation Acts, and by passing the great measure of Catholic Emancipation; and when those measures were passed it was declared that all offices of State, and in Corporations throughout the country, should be open to all citizens, without reference to their religious faith or opinions. The Universities were, in point of fact, lay Corporations for purposes of education. It was education that qualified men for office, and enabled them to perform their public duties with advantage to the country and with honour to themselves. Dissenters might now be admitted to office, but the door was still shut to obtaining those qualifications which best enabled them to fill those offices. He admitted, that the test taken at Cambridge was not so objectionable as that imposed at Oxford. A young man generally entered the University at between sixteen and seventeen, and at Oxford he was called upon to declare solemnly that he believed in all the doctrines contained in the Thirty-nine Articles. This appeared to him to be most monstrous. He trusted, that the time had come when they should get rid of all tests in the Universities, and that the only declaration taken would be on entering the University, merely to the effect that the person taking it was anxious and willing to learn, and that he would adhere to the rules of the University. It had been stated that, by passing this Bill, the intentions of the founders of the University would be set at nought; but in his opinion this could not be urged, and especially as regarded the University of Oxford, for it was impossible to say who were the founders of it—whether sincere Christians or latitudinarians—whether founded by the Druids or by Romans in honour of the heathen gods. He would not go back to the time of King Lucius, but he had looked into the statutes of the University framed in the time of Elizabeth, and it was there stated that the University was founded for the advancement of education, and for the promotion of piety. Those, then, who advocated the system of exclusion were bound to prove that it promoted learning and piety. He doubted the power and right of the Universities to adopt the exclusive system, but he had not the slightest doubt that the Crown, with the advice of the two Houses of Parliament, had the power to remove all such restrictions. Over all corporations there was some controlling and supervising power, whose province it was to see that everything done was in conformity with the charter and statutes. There had been repeated instances of the interference of the Sovereign in the affairs of the Universities. Queen Elizabeth, James 1st, and Charles 1st had repeatedly interfered. If Queen Elizabeth and the Stuarts had a right to interfere with the Universities, the King, at all times, on the advice of Parliament, possessed the right. That the Universities were lay corporations there was undoubted proof; they were free from diocesan visitation, which would not be the case if they were ecclesiastical corporations, and they had been declared to be lay corporations both by Blackstone and Lord Mansfield. He did not suppose that any one would say, that those educated at the University of Cambridge were inferior in learning or piety to those educated at Oxford; but, if the arguments of the exclusionists were worth anything, this could not be the case, as the restrictions were not near so extensive in the former as in the latter University. At present he was happy to say, that a more liberal feeling existed in Cambridge than formerly, and he knew that the sons of several Dissenting Ministers were Fellows of Colleges there. He was satisfied, that no one would do those Gentlemen the cruel injustice to say that they were not sincere. Before any measure could pass the Senate at Cambridge, it must be approved of by the unanimous voice of the Caput. At Oxford also no rule could be valid unless it was approved of by the Vice-Chancellor, the Protectors and the Heads of Houses. Under these circumstances, he thought that it was impossible to anticipate any danger to the Church from regulations that might be proposed by Dissenters. It had been asked whether the House would consent to secularize the Church, but they were not dealing with the Articles of the Church; but the question merely was, whether many of those who were anxious that their children should have the advantages of being educated in these Universities should be restrained from sending them by restrictions which were of no advantage to the Church? Hon. Gentlemen who defended exclusion did not argue for the principles of Christianity, but merely for those of the Church of England; they did not argue for the broad principles of Christian faith, but for the articles of the Church; not for the Bible, but for the Thirty-nine Articles; not for the Word of God, but the opinions of men. He would ask whether there was more danger to the Church from highly-educated and liberal-minded Dissenters, who differed from the Church, but admitted the advantages of an Establishment, as was the case with his hon. friend (Mr. G. Wood) who had brought forward this Bill, than from low-minded and ignorant zealots, who would keep up all the abuses of the Church? He could not conceive that there was the least danger to the Church in admitting Dissenters to the Universities. The Church had stood long and firmly in seasons of danger, and he believed that it would continue to stand, not in consequence of the agitation of a noble Earl in its behalf, nor in consequence of the clamour of other noble Lords, but from its own internal merits it would continue to be deeply rooted in the affections of the people—as long as it afforded religious instruction without intolerance of opinion. In conclusion, he must say, that he believed he was supporting the best interests of the Church in giving his vote for the second reading of the Bill before the House.

Mr. *Wynn* said, that not having had an opportunity to express his opinions on the former discussions on this subject, he was anxious to do so now. He believed, that this was but the commencement of a series of measures which, if not checked in time, must lead to the subversion of the Established Church of this country, and also to the destruction of the other establishments in the country. It was not for the first time that he had heard to-night the arguments that had been advanced in favour of this measure. They were told, as they had been frequently told before, that every establishment should be got rid of, and that afterwards they could consider what might be substituted in their place. This measure, it should be recollected, was urged forward by the great body of the Dissenters throughout the kingdom, who had avowed that they looked for nothing less than the severance of the Church from the State. Their object, in his opinion, was to sequestrate the property of the Church, and to divert it to other purposes not connected with religion. In fact, their manifest object was, to destroy the connexion between the Church and State, and to place the established religion, and all other religions, upon the same footing. He would not enter into the history of the Universities before the Reformation; but this he would say, that for the last two centuries and a half, the Universities were intimately connected and intertwined with the Established Church of this country. In fact, the Universities had been during that time the main supports and defences of the Established Church. His great objection to this Bill was, that it went to destroy the intimate connexion between the Church and the Universities. He would maintain, that if Dissenters were to be admitted to degrees in the Universities and to honours, they would have the power of interfering on every occasion, and ultimately of overturning the connexion between the Established Church and the Universities. If they were to be admitted to degrees, he did not see how they were to be excluded from other University honours. He did not see how they could be excluded from holding the offices of tutors, fellows, and the heads of colleges. He did not see how they could be excluded from the government of the Universities. It was asserted, that this measure proceeded on the principle laid down in the Catholic Relief Bill. Now, he had been for twenty-five years an humble supporter of Catholic emancipation; but he would venture to say, that the Catholic Relief Bill, for which he had most cordially voted, contained no such principle as that Dissenters should be admitted to the Universities. Indeed, he would appeal to the Bill itself to show that a special exception had been made in the case of the Universities. The 16th Clause of the Catholic Relief Bill was to the following effect — "Provided, also, and be it enacted, that nothing in this Act contained shall be construed to enable any persons, otherwise than as they are now by law enabled, to hold, enjoy, or exercise any office, place, or dignity of, in, or belonging to, the United Church of England and Ireland, or the Church of Scotland, or any place or office whatever of, in, or belonging to, any of the Ecclesiastical Courts of Judicature of England and Ireland respectively, or any Court of Appeal from or review of the sentences of such Courts, or of, in, or belonging to, the Commissary Court of Edinburgh, or of, in, or belonging to, any cathedral, or collegiate or Ecclesiastical Establishment or foundation, or any office or place whatever of, in, or belonging to, any of the Universities of this realm, or any office or place whatever, and by whatever name the same may be called, of, in, or belonging to, any of the colleges or halls of the said Universities, or the colleges of Eton, Westminster, or Winchester, or any college or school within this realm; or to repeal, abrogate, or in any manner to interfere with any local statute, ordinance, or rule, which is or shall be established by competent authority within any University, college, hall, or school, by which Roman Catholics shall be prevented from being admitted thereto, or from residing or taking degrees therein." Were they then to be told, that they were acting contrary to the spirit of that Act in opposing a Bill which went to repeal one of its chief provisions. He ventured to say, that no Bill which had ever been introduced, affording concessions to the Roman Catholic population of this country, or any measure of concession to them ever contemplated, did not contain similar provisions to those which he had read to the House. Connected inseparably as the Universities were with the Established Church, they afforded, as at present constituted, its firmest support. The supporters of the measures of Catholic concession could not now be called upon to defend the principle upon which the concession was argued; but he must remind the House on the present occasion, that it was then said, by the supporters of emancipation, that they would throw open all civil offices of State, but not offices in any degree connected with the Church. It had then been held out to the great body of the members of the Church of England, that the Universities were retained unaffected as the securities for the Church with which concession was accompanied, and on the promise of the maintenance of these securities the churchmen of this country were called upon to waive their opposition to the measures to which he had alluded. The Legislature was now called upon to violate that to which its faith had been pledged not five years ago. ["*No, no!*"] He repeated, notwithstanding that expression of dissent, that it had been stated most distinctly to the people of this country, that the Universities, as constituted, were a security to the Church of England, and these securities had been retained in that solemn manner as to create a doubt whether future Parliaments would consider them as things not to be interfered with unless on the most evident necessity. The House was now called upon to interfere, and he would ask upon what arguments? It was true, that it had been said, that all exclusion was an evil; but he would reply, was it not necessary, if this country were to maintain an established religion, that there should be seminaries set apart for instruction and education in the principles of the Church of England, and in the inseparable articles of faith to be enforced by all who became members of that institution? It had been said, that in former times, the atheist, the heretic, and every denomination of sect could be admitted, and several instances of individuals of high attainments, literary and otherwise, had been enumerated. Amongst these were mentioned the names of Gibbon and Adam Smith. He apprehended, that the latter was never a member of an English University; and with respect to Gibbon, he must observe, that though on his entrance he had conformed to the Established Church, he afterwards most certainly attached himself to the views of the Church of Rome. Of him, however, it should not be forgotten that a poet of this country had said—

> Through every religion in Europe he run,
> And ended at last in believing in none.

It should also be remembered, that the mere act of subscription on entrance into the English Universities did not imply that the persons signing the declaration were masters of the subject matter to which that declaration related; it was a mere declaration of the adhesion of the party to the Church of England. Such a form was no more than the expression of a child who in repeating the creed was not held to imply, that it had made itself master of all the arguments by which Christianity was defended and maintained. He was ready to admit, that instead of an oath administered on matriculation to youths, as in former times of twelve or thirteen years of age, he should be satisfied with a simple declaration, that the party was a member of the Church of England. But such an admission for the purposes of education presented a very different case from that of the admission to the degree of master of arts, which would constitute the party a member of the governing body of the University in convocation, by whom the rules of discipline and education were instituted and made known. If Dissenters were to be admitted to this situation, no person could know whether the tutor to whom he might send his son for education was a Dissenter, or held and maintained the religious opinions of the Church Establishment. Such would be the result of the plan contemplated by the Bill now under the consideration of the House. Amongst all the reforms of which he had to rejoice, one of the best was the remedy for the want of education to the Dissenting portion of the community, and he should regret, that Parliament, after the 250 years that the Universities had been left to regulate themselves, should now, for the first time, begin to interfere, as was now contemplated by this measure, with the statutes of the University institutions themselves. He denied, that this House was more competent to estimate and judge of scholastic education than the Universities, who had so long and so ably regulated these important institutions of the State under their Government; and he must say, that he would prefer the retention of that control by the English Universities, rather than submit it to the regulation by enactment of that House. He preferred the statutes passed by the University of Oxford to any that by possibility could emanate from the Legislature. He did not think, that the House was as competent to weigh or to judge of the alteration such as was proposed as a public body engaged in the instruction and education of the youth of the country. It had been said by an hon. Member, that the example of the University of Bologna, under the Government of the Pope, ought to be emulated. Notwithstanding this proposition, he was quite willing to make the comparison between the talent which had emanated from Oxford and Cambridge with that sent forth to the world by any other University. The Universities of this country had constantly produced men qualified to fill any situation with advantage to the public service and the State, while at the same time religion had been preserved in a manner unequalled in any other country.

Was it just and fitting, then, for the Legislature to be now called upon to try a novel experiment? The Legislature was also called upon to look for an example to the United States of America. He would ask any hon. Member who had ever spoken, with those who came from that country to compare their degree of information with that of a similar class in this country. For himself, he could say, that he had possessed and taken advantage of the opportunity of conversing with many well-informed Americans; but though they were all ready to boast of their own national institutions, he had never met one who did not confess the inequality between the education and acquirements of his own countrymen as compared with those of this empire. He denied, that the condition of this country would be improved by an imitative alteration in the arrangements of education. Would it be found on investigation, that those educated even in the German states (to which allusion had also been made) were superior either in the arts, literature, general knowledge, or science, to the talents this land with her system of education had produced? Would it be contended, that the public situations and professions in the German States were better filled or possessed brighter ornaments than those of this country? Without meaning to arrogate to England too much, he hesitated not to state his disbelief, that the American Congress was preferable in any respect to the English House of Commons, or better qualified to judge of all great questions of internal or public policy. To revert to the Bill now before the House, he considered it to be most dangerous and objectionable in itself, but doubly so when, in consequence of the measures with which it was contemplated to be accompanied, other measures were also anticipated; but this was, as he conceived, the stepping stone, which, if yielded, would prevent the Legislature from stopping short, with any degree of justice, in opening all the institutions, and making Dissenters eligible to place, office, and even to fellowships in the Universities. The Bill now under discussion spoke of private foundations; and he should be glad to know whether it was intended that the royal foundations in Christ Church, Oxford, and Trinity College, Cambridge, should be thrown open in the same manner. On the whole, he found it utterly impossible for him, after the removal of sacramental tests and the concession of the Roman Catholic claims, to bring his mind to consent to the adoption of a measure which went to overthrow that bulwark of the Established Church which was supported and afforded by the English Universities.

Mr. Secretary *Rice* was unwilling to occupy the time of the House, but if he were to be altogether silent, it might be construed into a want of respect for the constituency he had the honour to represent, and especially to the individuals who had signed the petition in favour of the claims of the Dissenters, which he lately presented to the House. He took the liberty of expressing a difference of opinion from that which had been expressed by his right hon. friend who had just addressed the House. He differed from the right hon. Gentleman in arguments as well as opinions, though he had no doubt those arguments would be considered irresistible by many hon. Gentlemen on his right hon. friend's side of the House. When the question of Catholic Emancipation was before the House, the same fears were entertained of danger to the Church, and the same objections were made to that measure, and the same fallacies were had recourse to. The right hon. Gentleman had strenuously contended, that the present measure was to be regarded as only the first of a series of attacks on the Church of England by Dissenters, and therefore called on the House to reject it. The right hon. Gentleman referred to the opinions which had been openly expressed by certain Dissenters in favour of a separation of Church and State, and thence argued that all Dissenters entertained the same opinions on this subject. He could assure his right hon. friend and the House, that those doctrines regarding a separation of Church and State were disclaimed by a very large proportion of the Dissenters. But supposing such opinions were entertained to a far greater extent than they were, was he (Mr. Spring Rice) to be on that account driven from this measure, if it were one of justice? He therefore wished at once to cast aside the argument against the measure which the right hon. Gentleman grounded on the fact of a certain portion of the Dissenters being in favour of a separation of Church and State. His right hon. friend must have felt a consciousness that he had undertaken the support of a very bad case, when he was obliged to resort to such an argument. The right hon. Gentleman must admit, that there were many very eminent men—he would not call them the lights of the world—connected with foreign Universities. But he said they could not be compared to the members of the Universities of Oxford and Cambridge. That was precisely his argument; that was exactly the reasons why he wished those Universities to be thrown open to Dissenters; for if they could render literary men so much service as to confer on them greater advantages than other Universities could, that was surely a reason why the privileges enjoyed at the Universities of Oxford and Cambridge should be open to all. The more those institutions were praised the stronger were the reasons for not excluding any class of his Majesty's subjects from their advantage. What right, he would ask, had the Legislature to deprive any particular class of his Majesty's subjects of those privileges by which they could be enabled to qualify themselves for the most honourable situations, and raise themselves to eminence in the literary world. To admit all classes to share those advantages was the way to raise the character of the country as well as that of the Universities themselves. What right had the Universities to say to one man go forth and prosper, and to stamp on the brow of another of equal attainment the mark of incapacity, because he did not profess their religious faith. An hon. Member had said, let the Dissenters, if they were determined to be admitted to Universities, provide Universities for themselves; we (the Church of England) will not in that case interfere with them. This argument and declaration of the hon. Member contrasted strangely with the conduct of the Universities of Oxford and Cambridge in reference to the very point in question. What was the conduct of those Universities when the London University, chiefly supported by Dissenters, claimed a charter for that institution, which could enable them to confer certain degrees? Why did those Universities step forward and practically disclaim the language of their advocates in that House, by the opposition which they got up to the granting a charter to the London University? What was the language which the Universities of Oxford and Cambridge held, in effect, to Dissenters on this subject? Why, it was precisely this: "We refuse to admit you among ourselves, and we will not allow you to have a University of your own." He (Mr. Spring Rice) could easily understand those who took either side; he could understand those who said, "We will give Dissenters leave to have a University of their own, but we will not admit them to ours;" or he could understand those who said, "We will admit Dissenters to our Universities, but we will not consent to their having one to themselves." But it was perfectly incomprehensible to him, how any person could be opposed to the claims of Dissenters in both cases. Taking the double ground against Dissenters was not only unreasonable, but it was illiberal and unjust. Reference had been made by an hon. Member to the case of the University of Cambridge, as more liberal in its regulations, in contradistinction from that of Oxford; but the same arguments which proved the liberal regulations to be good in one place would apply with equal force to the other. In Cambridge the sons of Dissenters were admitted in the same way, and, as students, stood on the same footing, as the sons of members of the Church. Now, he would ask as no inconvenience had been known to result, in the one case, what ground was there to apprehend any danger or inconvenience in the case of the University of Oxford? And how, in the face of this experience, could hon. Members oppose the present measure? After allowing students to acquire all the information which the University could communicate—after they had merited the highest honours which it could confer, the University told them, "You shall not receive those honours, simply because you are Dissenters." For a young man to be thus told when he had finished his studies, that however great his acquirements, however eminent his talents, and however exemplary his conduct, he shall be deprived of the distinction which he had merited, merely because he is a Dissenter, must be mortifying in the extreme. Dissenters ought either to be admitted to all the honours of the Universities or they ought to be excluded altogether. He did not conceive the possibility of the Church being injured or endangered by the association of Dissenters with her members in the Universities. His right hon. friend had asked him for a Parliamentary precedent of interference with any of the privileges of the Universities. He would quote one. In the case of Trinity College, Dublin, the Legislature interfered in the very same manner as it was now asked to interfere. Having made a concession to the Roman Catholics in 1793, it followed as a necessary consequence, in the opinion of the Legislature of that day, that the restrictions imposed by Trinity College on the admission of students to that University should be removed. It had left the professorships, and the whole discipline of the College, exactly in the state in which it formerly was. The admission of Roman Catholics to the College at Dublin, had not made it less a Protestant institution than it was previous to 1793. If the hon. member for the University of Dublin were present, he might ask that hon. Member whether he was disposed to believe, that the orthodox character of the University of Dublin, either in respect to its corporate capacity, or in regard to the zeal of its professors in their anxiety for maintaining the doctrine and discipline of the Established Church, had been at all narrowed by the alteration? Similar remarks held good with respect to the Scotch Universities. They had admitted Dissenters on the same terms and conditions as members of the Established Church of that part of the kingdom; yet the inhabitants of North Britain were not less sensible to the benefits resulting from religious instruction, or less desirous to maintain their established religion, than they were previous to their granting this privilege to the Dissenters. On what principle then, could they turn round and say, this Bill is pregnant with evil? With respect to the University of Cambridge, instead of creating evil by the introduction of this Bill, the House would avert a danger—he alluded to the feelings of enmity with which the institution must be regarded by the Dissenters. If there be danger to be apprehended, did it not arise from admitting individuals as students, and then depriving them of the rewards and honours to which members of the Church of England could lay claim? Let him for one moment recur to the University of Dublin, and see whether the concessions which were made by that institution had not given satisfaction to the Roman Catholics of Ireland, and whether it had diminished the protection to which the Established Church was entitled. The right hon. member for the University of Cambridge would probably attempt a reply to this part of his argument, and he could anticipate some portion of the right hon. Gentleman's speech. He would say, that an hon. and learned Member, not now in his place, gave notice of a Motion for a future day on this very subject. Would the right hon. Gentleman say, that every notice on the Order Book was an argument for any particular measure to which it might apply? If that were the case, he would be easily enabled to provide himself with arguments on either side of the various questions which came under the consideration of the House. In order to show the right hon. Gentleman that the Roman Catholics did not aspire to any participation in the endowments of the Established Church, he would refer to the evidence of the hon. and learned member for the City of Dublin, when examined before a Committee of that House, in the year 1825. The evidence to which he alluded was in reply to a question—"Do you not think that after Catholic Emancipation was carried, the Roman Catholics of Ireland would claim admission to the fellowships and scholarships of Trinity College, Dublin?" The answer was—"By no means. There are endowments established for the support of persons educated for the Established Church and we have no more right to claim a participation in them, than we have to claim a right to the property of the country which is now enjoyed by individuals of the Protestant faith." That was the evidence given by a very important authority on this subject, and it was supported by facts since 1793 up to the present time. He might say, without fear of contradiction, that there had been no indisposition on the part of the Roman Catholics of Ireland to petition against those grievances which they had really been affected by, but the House had never received a single petition from them to be admitted to a share of the endowments of the Established Church. He did not think, that any one in the House believed that the people of Ireland had not petitioned against every real grievance of which they had to complain; but he was not aware of a single petition having been presented, complaining of the non-admission of Roman Catholics to the fellowships and scholarships of Trinity College.

He wished to state, that the principle in this Bill which he was disposed to support, was the principle recommended by the petition which he had the honour of presenting to this House. The arguments that he then advanced all related to the degrees granted at the Universities, and had no relation whatever to the endowments of the Colleges. All that was asked was, the right of the Dissenters to take degrees at each of the Universities, from which privilege they were at present excluded. Having referred to that petition he was bound in justice to admit, that a counter-petition had been presented, signed by a much larger number of persons ? but the feeling which had been excited on this subject was of the same description as that which seemed to have influenced his right hon. friend who spoke last. The opposition to this Bill arose mainly and principally from a great cry that had been raised, that this was one of a series of measures intended to overthrow the Church Establishment. [*Hear! Hear!*] He was glad that the right hon. Gentleman (Mr. Goulburn) by his cheers, admitted the truth of what he was stating, but his cheering was not so much founded on the enactments of the Bill, as on the notion that other measures were about to be introduced to which he should feel it his duty to object. Not only had a great deal of excitement been created on this subject, but circumstances had occurred with respect to the petition he had the honour to present, which he regretted should have taken place. He was sorry to find that an individual of the highest literary attainments, and the most enlightened views, who was an honour to the University of which he was a member should, in consequence of openly expressing his opinions on this subject, have been removed from the situation which he filled in that University. It was not for him to impute improper motives to individuals; but he must say, that this was a course of proceeding which must necessarily give much pain to every liberal-minded man, as being a new mode of carrying on the war of opinion. It was a course of proceeding wholly unsuited to the period in which we lived. His right hon. friend had stated, that he regretted persons should be called on to subscribe the Articles of the Church, from which they entirely dissented; and his right hon. friend wished that some more plain and more simple declaration should be substituted for the one now in use. On his right hon. friend's own principle, this was a question involving the conscience of the individual, and he would leave it in the hands of the convocation of the Universities, which up to this period had never adopted the views of the right hon. Gentleman. When it was stated, that the House had no right to interfere with the Statutes of the Universities; he did not admit the force of the argument. Not many days ago one of those very Statutes had been wholly set aside in the circumstances attending the election of Dr. King to the vacant Presidentship of Winchester College. Surely, then, if these Statutes were to be set aside for the benefit of an individual, it was not to be asserted, that Parliament had no power or right to question or interfere with these Statutes when a great general principle was at stake. In the system of religious education at the Universities, undoubtedly very great improvements had taken place within the last fifteen or twenty years; and no one could view the mode in which religious instruction was there given and received, and the regular and decorous attendance at the University churches, without being at once convinced that a deep-rooted religious feeling pervaded the whole University, not only in the breasts of the heads of the colleges, the doctors and other elders of the place, but in those of the young men. That such worthy and pious sentiments should be so universally entertained no one more rejoiced at than himself; but he was very far from thinking this a fact which ought to militate against the admission of Dissenters to those Universities. On the contrary, it appeared to him, that the feeling being so deeply rooted, was in no danger of being shaken by the presence of a few Dissenters. The non-existence of such danger being shown, there could not remain a shadow of ground for opposing the entrance of the Dissenters to the advantages of those great institutions as seats of learning. The main point, therefore, would be to show, that the safety of the tenets of the Church of England would not be compromised by the admission of the Dissenters to the Universities. And that this safety would not be hazarded, had been the declared opinion of sixty-three of the first men in the University of Cambridge, as expressed in the petition he had had the honour to present. The Dissenters asked no more than what had been granted, without the slightest injury to either Church or State, to the Roman Catholics; they asked for nothing but their civil liberty; they desired to derive the same advantages, in point of education, from these great seats of learning, which the rest of their countrymen were entitled to. He entirely agreed with the hon. Gentlemen on the opposite side of the House, that, in the upper classes, as in the lower, the dangers of separate education were very evident; and it appeared to him, that if the people were estranged from each other on every point merely on account of the difference in their religious sentiments, that the Dissenters would be left no option but that of withdrawing themselves into circles and establishments of every kind wholly formed on dissentient principles, and separating them on all points from the rest of their fellow-citizens. This was a result which, he trusted, he should never witness; he hoped he should never see any set of men contending for an unmerited superiority, or another set of men struggling under equally undeserved inferiority, on the grounds of religious differences. What he desired was, that all those who sought education should be placed on an equal footing, whether agreeing with, or dissenting from, the Established Church. So far from thinking, that the safety of the Church would be compromised by the admission of the latter to the Universities, it appeared to him, on the contrary, that its security would be so much the more guaranteed, for it was consistent with the best mode of reasoning to calculate that, at least, the tacit friendship and good-will of those Dissenters would be secured by their being allowed to participate in the educational advantages of these Universities. Surely it would be much more just and politic to imbue them with such a friendly feeling, than to provoke their unappeasable and powerful hostility by any longer refusing to admit them to those privileges. Nor was it the individual resentment only of the Dissenters so refused, which was to be apprehended; many of them, in all probability, would, in after-life, become active and stirring leaders among their sects; and it was not to be supposed, but that the anger they felt at a degrading rejection would be generally diffused among all those who listened to their instruction. He thanked the House for the attention with which they had honoured him; he would not have detained them so long, but from his deep feeling that, on so important a question, it became every man to express his sentiments. He would only add, that, by the vote which he should give on this Motion, he should not consider himself bound to any subsequent measure; he supported this Bill, and this Bill only. His vote on any future measure on the subject would be entirely regulated by his opinion as to the intrinsic merits of that particular measure.

Mr. *Goulburn* said, that he had great satisfaction in following his right hon. friend, because, like him, he was most anxious that the question should be discussed with the absence of all heat and animosity of feeling, and because he knew, that he and his right hon. friend had the same object in view, although he felt it impossible to concur with him in the means by which his right hon. friend sought to attain it. His right hon. friend and himself were, in many respects, placed in a similar situation. They both belonged to the same University; they had both sons at that University; so that they were both deeply interested, as well by their former recollections as by their immediate interests, in its well-being; and they were, therefore, naturally desirous to see the subject discussed with the temper and the calmness which befitted its important merits. Indeed the question was one so much more connected with religious considerations than with those of political expediency, that he should be most sorry to see any feeling of party excited or introduced into the proceedings of the House, which might, by a remote possibility, add to the heat which unfortunately prevailed elsewhere. But it was impossible that he could subscribe to the arguments of his right hon. friend, or avoid stating the utter fallacy of the grounds on which his right hon. friend supported the Bill. Proceeding, as his right hon. friend had done, upon the basis of the Bill upon the Table, he should attempt to show, that its effect upon the religion of the University must be such as ought to induce the House to give it a negative. His right hon. friend said, that the opponents of the Bill wished to put the civil interest of Dissenters out of view, and called upon those who were connected with the University of Cambridge, in particular, to consider what must be the effect upon the minds of young Dissenters after having been admitted to study within its walls, and to distinguish themselves by their acquirements, to be then precluded from its degrees? In reply, he would ask his right hon friend what would be the feelings of the same parties, after having been admitted to degrees, when they found themselves excluded from the situations of profit and of honour in the University which were open to all members of the Church of England, though, perhaps, of inferior attainments and talents? If the exclusion from the degree was a burthen, how much greater a burthen would it be deemed when, having been admitted to that, and having thereby proved their fitness in acquirements, they should be excluded from the offices of emolument and honour? The last clause of the Bill distinctly excluded Dissenters from all such offices, or rather, perhaps, he should say, deferred their enjoyment of them until another opportunity—when they should have gained this step, and be enabled to come to the House with what, he would contend, would be a much better-founded complaint than any they could now make. He was anxious that Dissenters should be admitted to all civil privileges, but making such distinctions as were necessary to the safety of those important interests which were, he would not say opposed to the Dissenters, but which were indispensable to the maintenance of religion itself, in which Dissenters were as strongly interested, and as conscientiously so, as Churchmen. But his right hon. friend told them, that it was already the practice to admit them at Cambridge as Dissenters, and that, therefore, no harm could arise from giving them degrees. His right hon. friend was wholly unjustified in that statement. He forgot to make the distinction that the Dissenter was now admitted, not as a Dissenter, but as any other man supposed to be willing to conform to the doctrines of the Church; and it was not for those who admitted him to know otherwise until they called upon him to subscribe the declaration necessary to receiving a degree. The hon. Member who introduced the Bill was aware of this, and had so framed it as to repeal every Statute of the University which might operate to prevent the effect it contemplated. He asserted, that the last clause of the Bill specially enacted the repeal of all orders, decrees, laws, or grace of any college or hall which should, in any degree, obstruct or qualify the foregoing enactments? And what were those enactments? Why, that all persons, of whatever religion, should be at liberty to matriculate and take degrees. Did it not then put an end at once to the necessity of attendance on religious worship, and to the religious instruction which was now a part of the system of the Universities? It was argued by hon. Gentlemen only the other night that all this was unnecessary, and ought to be put an end to; and in this spirit it was, that the hon. Gentleman introduced his repealing clause. Why, then, he said, that this fact materially altered the present state of things as to the terms on which a Dissenter would be admitted, and that which might be a safe admission when the student was supposed to conform to the tenets of the Church might be very unsafe when it was understood, that he was admitted of right as a Dissenter. His right hon. friend had next asked what danger would there be in admitting Dissenters at the English Universities when they had been admitted to take degrees in Dublin without producing any evil? He knew that this was done at Dublin; but what distinction was there between the degree conferred at Dublin and at our Universities? Did the degree at Dublin confer a power of government in the University? No. It gave no more power of that description than was possessed by an Under Graduate. His right hon. friend knew that as well as he did, and upon that point the whole question turned. If they admitted the Dissenter to degrees at Cambridge by the rules of the University he would acquire an influence over the education in the seminaries of the Church of England which he ought not to have. And when his right hon. friend adduced the case of the admissions to Dublin it was not quite fair in him to leave out all notice of this distinction. His right hon. friend had also asked what fear there was that if the Dissenter got the right of admission to degrees he would wish to go farther. In answer to this, he referred the House to what had recently passed upon the subject of the Repeal of the Union, when an hon. Member declared, that he did not consider himself bound now by what he said nine years ago in order to obtain Roman Catholic Emancipation. He thought, if the

Legislature were to have no other security, therefore, than the declaration of the Dissenters that they would be satisfied with this concession, it would be resting some of the best interests of the country upon a poor foundation. It must be remembered, too, that Dissenters admitted to degrees in our Universities would not only have to share in superintending the education of the laity, but also of those who were to succeed to the ministry of the Church. This would be the necessary effect of the removal of the tests, and such a state of things must be followed by the exclusion of religious instruction altogether. He would say this upon the authority of men of all opinions, who had distinctly laid it down, in language not to be misunderstood or perverted, that all institutions for education which had admitted persons of all creeds, had found it necessary to abandon all religious instruction and all religious observance whatever. He held in his hand a document, the author of which was no less a person than the present Lord Chancellor of England—at least to him public opinion had freely attributed it, and that opinion had never been contradicted—being the Report of the Committee of the London University. This document stated in the most direct terms the opinion of that noble and learned person, that having admitted all persons, without distinction of creed, it was necessary to come to the resolution of abandoning altogether all religious instruction. [The right hon. Gentleman then read the Resolutions of the Committee from the last Annual Report.] He certainly concurred in the sentiments of that noble and learned person, that they could only have religious instruction where the students were all of one religious persuasion, or where they were all alike indifferent to religion; and it was because he was not prepared to take our Universities out of the former class, and reduce them to the other, of perfect indifference to all religion, that he must strenuously oppose this Bill. The simple question, then, which they now had to decide through this Bill was, were they prepared so to change the character of these ancient institutions as entirely to discontinue all religious instruction in their system of education? He believed that there was a period in the history of this country when the bare enunciation of such a proposition would have called forth universal reprobation. He trusted that time was not yet past. He did not believe that many of the supporters of the Bill desired such a state of things to be established. He could not but hope that, however, some classes of Dissenters might not approve of the form of instruction adopted at the Universities upon religious grounds, yet, if they found the general opinion of the highest authorities concurring in the belief that their admission would lead to an indifference to all religion, and terminate in infidelity, they would not desire to press their claims upon the House. But they had been told, upon a former occasion, that there was at present in reality no religious instruction at our Universities. The hon. Gentleman who told them that, must have placed great reliance upon the credulity or on the ignorance of the House. There was one fact obvious to all, which directly contradicted such an assertion. Every man knew, that from the Universities were sent out at an early period of life a numerous body of young men who at once took the charge of parishes, and whose fitness for the important duties so imposed upon them was so well known as to be past doubt or question. How did they become so qualified? They came fresh from the Universities, where they had been constantly occupied in their scientific and literary studies, and where the contention for rewards and distinctions of successful study kept them close to such pursuits up to the latest period of their residence. If there was, in reality, no religious instruction in our Universities, where did those young men become qualified to enter upon their sacred duties and to discharge them as they did—where did they imbibe those high feelings of religious zeal and devotion of heart and mind which he would venture to say distinguished the present clergy as much as any of their predecessors. Why, it had been said, that these qualifications had not been gained at the Universities, because no man was compelled to attend the lectures of the Professor of Divinity, and therefore that no religious instruction was given by the University. Why, so it might be said, and with equal truth, that no man was compelled to attend the Professor of Greek or the Professor of Mathematics. The attendance upon all these lectures was voluntary; nor were they intended to convey instruction in the elementary branches either of literature, or science, or religion. When the student, under the direction of his tutor, had qualified himself in the elements of the Greek language or of mathematics, he then went to the higher Professor to apply those elements, and to be instructed in their application. So, after having been instructed in the general duties of his religion, the student went to the Divinity Professor, to be instructed in the higher branches of theology, and to render himself fit for the higher duties of a Churchman, and, if such was his destination, for the duties of the Ministry. In the University to which he belonged, religion was taught in the same manner as every other branch of instruction. It was true, that a student was not taken through the whole Scriptures, or every distinct doctrine of the Church, at the public lectures; but the Professor took, with respect to religion, one of the Gospels or some one essential doctrine; as with respect to Greek was taken one of the plays of the Greek poets, or a book of the Greek historians; and the knowledge of the student in that was considered as a test of his general proficiency. But he never heard, that because the Professors of Greek and Mathematics only took one such subject for their lectures that, therefore, they neglected to instruct the youth of our Universities in Greek and Mathematics. Neither was there any foundation for the charge, that their religious instruction was neglected. No; as in the other case, one subject was selected for their examination, from their acquaintance with which it was easy to ascertain the general proficiency which the individual had made. He would not trouble the House by going into the details of all the University examinations, because they were published in a compendious form, and were open to the House or to any one else for inspection; but any one who consulted them would there see, that there was no peculiar doctrine of the Church of England distinguishing her from the various sects which did not, at some period or other, form part of the examination of the individual seeking a degree. But in respect to the religious education supplied by the Universities, there was one regulation which gave an advantage over all others in his estimation, and that was the daily attendance at divine worship. It had been very much the fashion to undervalue this part of University discipline. Upon that he differed with many whose general opinions he respected. He believed, that whatever might be the outward appearances, if for no other reason, the continual recurrence of those periods during which the thoughts of men were abstracted from the ordinary occupations of the place, were beneficial in every respect. Not, perhaps, that they might be always even properly employed at the moment, but he believed they would, in the long run, be generally so occupied at those periods as that the practice must ultimately operate the greatest good. There might be, as he knew, and no doubt there were, unhappy individuals who appeared to participate in these advantages, and yet who reaped no benefit from them. But the question they had to decide was, whether or not these regulations were not calculated, and did not, in fact, operate beneficially in recalling to our minds the ultimate ends and objects of all study, and of all human pursuits, in the midst of scenes but too likely to abstract them from such considerations. But, even supposing this Bill to exclude the teaching of true religion, was that the only evil they were to anticipate from it? Where an abstinence of religious instruction prevailed, he wanted to know where was to be the check against the introduction into the University, as they had been introduced elsewhere, of opinions and views inculcating in the minds of young men principles subversive of all religion, and ending in infidelity. That appeared to him to be the necessary consequence of such a system. It tended to raise men in the conviction of their own powers and resources, and to destroy that spirit of humility which was the first essential required for a true ministry of the Christian religion, as well as that spirit of devotion which he would say was no less necessary in the lay members than in the ministers of the Church themselves. As to the consequences of thus leaving the mind and the passions without the salutary check of religious discipline, he might quote an elegant passage from the writings of a friend of his, although that Gentleman was one of those who had signed the petition in favour of admitting Dissenters to the University. By such a course they were told by the eminent authority to whom he alluded—' We destroy the equi-' librium of our moral nature, giving to ' the baser elements a new and overwhelm-' ing energy. We sow the wind and reap 'the whirlwind. We unchain the powers 'of darkness, which, in sweeping over the 'land, will tear up all that is great, and 'good, and lovely within it; will upset its 'monuments of piety, and shatter its 'social fabric into ruin; and, should this 'hurricane be followed by a calm, it will 'be the calm of universal desolation.' He firmly believed, that this would be the result of adopting the measure then before the House, because what man could cast his eyes around upon all those Universities in which the principles of this Bill had been adopted and not see that in all, this had been the result? Let them look to Germany. There no religious tests were permitted to impede the admission of any man to degrees and to the highest honours, whether he were Lutheran, Unitarian, or infidel. And what was the melancholy result? If any Gentleman would take the trouble to refer to the works of the Learned Professors filling the highest posts within them they would find them advocating a system called rationalism, which was a denial of all revelation, and in which all the accounts of the Creation and the miracles of the New Testament were pretended to be referred to natural causes, many of which natural causes were so extravagant as to require a much greater stretch of belief than the miracles themselves. It was impossible to read those works without finding in them abundant proof that from the Universities in which no religion was taught, all religion would soon be banished, and something much worse than an exclusive system be introduced in its stead. What was the case in America? They knew, from the most recent descriptions published of that country, that the effect of the system introduced into their Universities, had been, to turn all the young men out Unitarians. This was the uniform representation of all travellers in America, whether belonging to one party or another. In proof of this, he would take an extract from a gentleman who dedicated his book "to the friends of civil and religious liberty throughout Great Britain and Ireland," and in his preface stated, that religion in all its details was an affair between God and the individual only, and that any attempt at human interference, was a violation of the right of conscience, and ranked foremost among the basest of tyrannies. This writer gave the following account of the system from which religious instruction had been banished in America—'At Cambridge, four 'miles from Boston, is situated a college 'upon a large and liberal scale; it con'tains 250 apartments for officers and 'students. There is a philosophical ap'paratus, a hall for recitations, and a 'valuable library, which contains a few 'and almost the only standard works in 'the United States. Admission into the 'college requires a previous knowledge of 'mathematics, Latin, and Greek. All 'students have equal rights; each class 'has peculiar instructors. There are 'quarterly and annual public examina'tions. This college is regarded by the 'orthodox party as heretical on religious 'subjects, it being observed as somewhat 'remarkable, that most of the theological 'students leave Cambridge disaffected to 'the doctrine of the Trinity. The advo'cates of this system, taking the alarm, 'have established an academy for the 'education of young men, who must be 'compelled to learn the doctrine of their 'fathers, as the effectual means to oppose 'the Cambridge heresies.' He would ask, was this a state to which the House desired to see the Universities of this country reduced, as had been well asked in the speech of the hon. member for Wiltshire, which had deservedly received so much attention from the House? But, even without going to the experience of foreign countries, where such flaming beacons existed to warn them, could they not draw a lesson from the result of the experiment made at home at the establishment at Daventry, which began with Dr. Doddridge a man eminent for his piety and learning, and ended with Mr. Belsham, who it was well known was distinguished for his rejection of the Trinity. With all this experience before him, both at home and abroad, could he, as a sincere member of the Church, ardently attached, not merely to the Church of England as an institution, but to her essential doctrines, could he do otherwise than implore the House to abstain from depriving the Universities of those advantages which their religious character now conferred? He yet trusted that they would not, merely with a view of giving to a few Dissenters honours and degrees which were to lead to nothing else, proceed to undo that which he believed to be essential and indispensable to the useful education of the youth of the country. Oh, if there were fathers amongst them with families about to be educated, or, still more, if there were any who had just received back from those seats of learning a son imbued with scientific and literary knowledge, and at the same time impressed with that high devotional feeling which could only be derived from religious as well as scholastic instruction, let them reflect when called upon to vote on this Bill, what would have been their feelings, if, instead of the Christian scholar, his child had come back the wretched sceptic or the unblushing infidel. Let him contemplate the absence of that holy influence upon the mind of youth, and think what might have been the ravages of passion within him, and how he might have walked out of the path which had conducted him to honour, if religion had not been implanted within him, to temper the feelings of arrogance and pride which accompanied his success? But they were called upon to make this change, because the existing regulations were a refusal of the liberty of conscience to the Dissenters. But was it to be forgotten that liberty of conscience was the right of the members of the Church of England, as well as of the Dissenters? He contended, that if Dissenters were admitted to the Universities, the consciences of the members of the Church must be outraged. By the Bill as it stood, all education in the Universities must rest in the hands of the Churchmen. What, then, would they ask a Professor to do under the Bill? They called upon him to teach not only a class of men dissenting from the doctrines of his Church, though Protestants, but also those who were not Christians; and they called upon him to perform such duties, and yet believed that they should not offend his conscience! What was the situation of the clergyman under such circumstances? Did the hon. Member who brought in the Bill, recollect the solemn obligation of an ordination oath? In that the clergyman swore not only to instruct his pupils in the true doctrines of the Church, but to drive away and banish every error in those committed to his charge by every means in his power. There was a case recently before the public, which showed pretty clearly how the Dissenters were disposed towards any other class of religionists, than that to which they themselves belonged; he alluded to the case of Lady Hewley's charity, which by her will was not to be extended to any but those who held a particular mode of belief. He believed he was correct, and that the evidence in the case and the judgment upon it bore out his assertion. Lady Hewley was a Dissenter, and she required that every one who partook of the benefits of her charity should be of the same form of faith. The decision in that case was, that the funds derived from this charity, were left for the exclusive use of a particular sect, for their use, the law was careful to preserve them, and could it be said that funds intended solely for the purposes of the Church of England were to be diverted to other channels? If the present Bill should pass, it would be a matter of perfect indifference whether or not there was any religious belief at all in the Universities. His right hon. friend had complained that those who opposed the present Bill were practising the double injustice of excluding the Dissenters from the Universities of Oxford and Cambridge, while at the same time they refused to the London University, those privileges which would give to that establishment the advantages which Dissenters sought for. He utterly denied that this was the ground of opposition to the London University. There was no objection raised to allowing the London University to pursue what system of education it pleased, nor was there any opposition to granting it a charter. All the petitions that had been presented from the Universities of Oxford and Cambridge on the subject, only went to protest against the same privileges being conferred on it that they possessed, of granting degrees of a particular character, and for this objection there were very good reasons. The degree of Master of Arts, which was conferred by the Universities of Oxford and Cambridge, was directly connected with the Established Church itself. This was evident, from the fact that the teachers of all the grammar schools founded on the principles of the Established Church must, by the specific directions of their founders, be Masters of Art of those Universities. Would it not, then, be an abandonment of the foundations on which those schools were established, to allow a Dissenter to qualify himself by such a degree to become one of their teachers? It was the granting of degrees that marked the distinctive character of religious instruction, and for this he had the authority of Lord Brougham in the observation he had made on a petition that had been presented from one of the Universities on this very subject.

Dr. *Lushington* here observed, that the right hon. Gentleman was labouring under some mistake, for that the observations of Lord Brougham referred to the first and not to the second petition.

Mr. *Goulburn* said, that he believed he only attributed to the noble and learned Lord, the sentiments which he had been understood to express. All that the University desired was, that a difference should be drawn between the principles on which they were founded, and the principles of those who dissented from the Established Church, and that distinction they considered could best be maintained by preserving to them the exclusive privilege of granting such degrees as were essentially connected with the Church Establishment, on which they were founded. He had not as yet heard of any really important grievance under which the Dissenters laboured. No one that night had stated any such grievance that was at all intelligible to him, except indeed that Dissenters were debarred the honour of going forth into the world stamped with a University degree. Now, for his part, he could not see that this was any very great grievance considering that the Dissenters could never arrive at, nor was it pretended that they would wish for, the emoluments that were generally attendant upon those degrees. When he looked at the men who had risen in those Universities, he did not think it could be said that the system of education pursued there was calculated to produce worse statesmen, worse poets, worse philosophers, or worse commanders of our fleets and armies, than any new system that could now be engrafted upon them. When he looked at the great and commanding minds that had emanated from those seats of learning, men embalmed and sanctified in their country's recollection—when he looked upon such men, and thought upon their great deeds and services, he could not believe, that that system of education could be objectionable, which prepared them to confer such benefits on mankind. Would the House, then, he asked, for the sake of a small advantage, supposing that that advantage were really desirable, remove those tests of religious instruction, which had so long preserved to those invaluable institutions, the exclusive and well-earned character of strictly upholding the principles of the Protestant Church? If any of those great men who had been sent forth from those Universities to adorn and defend their country, could look down and see the attempts that were now made to destroy those institutions in which they had imbibed those principles that had been the foundation of their fame—if they could see, that those institutions were without reason or necessity to be hurled to the earth, that those Protestant establishments which had in the worst of times resisted the spoiling hand of despotism and fought the battles of the Constitution to establish the liberties of the people — which had tended more to bring this country to the state of happiness and prosperity in which she had so long flourished, than any other of her institutions, was now driven to the necessity of resisting, almost unaided, new innovations which aimed at their very subversion—if they could see all this, would they not exclaim against the deep ingratitude of those who forgot the benefits that had been conferred on them, and who abandoned the interests of those institutions to which they owed all their greatness? Would they not say, that it was little short of madness, to decree the overthrow of institutions which had resisted the encroachments of tyranny, and with the blessings of religion, had secured to us the blessings of civil and religious freedom?

Mr. *Stanley* said, that he did not rise so much for the purpose of encountering the arguments that had been advanced by the right hon. Gentleman on the other side, as to state to the House, in very brief terms, his view of the question as it then stood. When his right hon. friend who had succeeded him as Secretary of State for the Colonial Department, shortly before Easter, presented to the House the petition which had been intrusted to him by certain members of the University of Cambridge—a petition which was certainly couched in as moderate language as it possibly could be—he (Mr. Stanley) was glad to take the opportunity of concurring in the principle which was then laid down—namely, the expediency of introducing, as far as it could be done with safety to the interests of the Established Church, all Protestant Dissenters whatever, as well as those professing the Catholic religion, to a participation in the civil privileges and benefits of the two national Universities. He would not deny, or conceal from the House, that circumstances which he would presently state, had since occurred, which had in some degree altered the opinion which he entertained at first. He should not be dealing fairly with the House, nor with his right hon. friend, if he were not to state to the House that impression. He felt it his duty to make that avowal; but when he stated what had been the effect of those circumstances upon him, he did not mean to say, that they were such as to induce him to shrink from the assertion of the principles to which he had alluded. This he had maintained, and this he was prepared to maintain; but he was bound to say, that the tone which had been held in the Legislature, the pretensions which had been put forward on the part of the Dissenters, both in and out of that House, the ultimate intentions which had been openly avowed by many of that party, were of such a nature as not only to excuse, but necessarily to demand the attention of the Established Church, and to justify its looking with jealousy to measures brought forward for the purpose of promoting the views of the Dissenters. Though he highly esteemed the motives which had induced the hon. member for Frome (he thought it was) to make the statement that the same circumstances to which he (Mr. Stanley) had referred, had made so strong an impression upon his mind as to induce him to withdraw his support of the principle of the measure—though, he repeated, he highly esteemed his motives, he himself could not go that length. He was still inclined to support the principle which the petition, emanating from the body of gentlemen connected with the University of Cambridge, set forth, and which he had thought would have been embodied in the present Bill, after the temperate speech of the right hon. Gentleman who had succeeded him in the Colonial Department. To the arguments which the right hon. Gentleman urged in support of that principle, he could have had little to add, and he therefore merely concurred in the general view which he took of the question. If, in voting for the principle of this Bill, he conceived, with the right hon. member for Cambridge, that he was voting on the question whether they should interfere with the established religion, or whether they should make religious instruction a matter of indifference, he should certainly deprecate the Bill as much as he then joined in supporting its principle as he understood it to be brought before the House. But when he said, that he supported the principle of the Bill, he was not prepared to support its clauses. He had not thought proper to speak till this period of the discussion, because he was anxious that the hon. member for South Lancashire (Mr. Wood) should have preceded him, and because he was in hopes that the hon. Member would have proposed to expunge some parts of the Bill. He must say, that he was endeavouring to state the views which inclined him to support that principle which was contained in the Cambridge petition, and which he was in hopes the hon. Gentleman would have adopted as the principle of his Bill. The principle of the Bill was not that which had received the support of the town of Cambridge, for the Bill interfered with, and did away with, the existing statutes, and broke through the rules of the colleges and halls. If they sanctioned this interference, then, he said, away would go the whole fabric of the Universities. He held the question to be of the highest political expediency in what manner religious instruction was given at the Universities, which were inaccessible to a large proportion of the people, and who must necessarily derive their knowledge from the pastors who were educated at the Universities. The right hon. Gentleman opposite had said, that this was a question whether they would do away or not with that religious instruction. He did not look on the question in that light; but whether they should seduce the Dissenters to send their sons to the Universities, where they could see and participate in the liberal education of the gentry of the country, without interfering in any way with the system of moral and Christian instruction. If they could, by the removal of the tests of admission as they at present existed, prevail upon the Dissenters to overlook what was objectionable in the Universities, by adopting a mild course of concession, they would confer a great benefit, not only on the Dissenters, but on those attached to the Church of England—not only on the ministers of either doctrine, but on the whole community. They would soften the religious animosities which had prevailed between the two parties—bring into one common education, and that not an irreligious education, the various classes of Dissenters, and thereby cause the Churchman and Dissenter, by early association, to form those habits of friendship which would prevent them from breaking out, in after-life, into political or theological asperities. The right hon. Gentleman said, that he felt it to be impossible to give this common education without excluding religion. He was surprised to hear the right hon. Gentleman, and the hon. member for Oxford, found their arguments upon the Dissenters' establishments at Daventry and at Hackney. Those establishments were entirely theological; they were for the exclusive instruction of persons who were designed to be ministers of their respective persuasions. Such being the case, it was by no means a matter of difficulty to see beforehand, that the result of the experiment would be, as it had turned out, the unsettling of the minds of the students, before whom were set the conflicting opinions which had for ages distracted the world. It would have been, indeed, surprising if there had been any other result. With regard to the national Universities, they could not be fairly called schools of theology. Divinity was so far from being the exclusive study, that the Universities were only in a very small degree schools of theology. Did he hear any hon. Gentleman say, that such was not the case? He did not mean to deny that there was theological lectures; but he must observe, that the attendance on those lectures was not compulsory. He knew, that students were at liberty to attend the Divinity professor or not. The fearful consequences which had been predicted, and the parallel which had been drawn, were not, therefore, justifiable. The right hon. Gentleman had said, in objecting to the principle, that he felt it his duty to oppose the Bill; because, if they agreed to it, they must prepare to make further concessions. This might be, in certain cases, a fair argument; but it ought not to be indiscriminately used. These establishments carried within themselves the seeds of improvement and of public benefit. It was the part of a wise and prudent statesman to resist the introduction of any change in the Constitution which might have the effect of leading to an injurious result. But if it was said, that they were bound on all occasions, to resist any change, or any redress of a just or reasonable complaint, merely on the ground that a redress of other complaints might be called for, then there must be an absolute denial of all justice and of all rights which it might be fair to demand. He could not forget the words of the right hon. member for Tamworth, in introducing that memorable measure, the Catholic Relief Bill. " When demands, founded on justice and on right (said the right hon. Baronet), are so pressed upon you as to render it impossible for you longer to resist them, you are bound to give way gracefully, and at once, to the strong feeling of justice which actuates the great body of the community; and let me tell you, that, by so giving way, you will conciliate the Protestant mind of the country." The right hon. member for Cambridge had, however said, that if the Legislature went so far, it must go further; for no line could be drawn, supposing the principle of this demand were agreed to. But there was a line—the line of those who instructed, and those who were to be instructed. It did not follow, because they admitted a Dissenter to be instructed in the Universities, that they were therefore to allow him to instruct the sons of Churchmen in doctrines repugnant to their feelings. But he must fairly say, that whilst he was ready to admit the Dissenters to the full benefit of a University education—to the full benefit of the civil privileges which might attend and accompany the attainment of a University degree—he would sedulously guard those institutions from the admission of Dissenters as part of the governing body of the University. " I do hold (continued the right hon. Gentleman) that there is between these two as broad a line of distinction in principle as it is possible for the imagination to conceive. Further, it is a line we see drawn in the actual practice of two of the Universities. Trinity College, Dublin, is indiscriminately open to Protestants and Catholics, as far as regards the distinction conferred by degrees, but not as regards the government of that institution, which is in the hands of Protestants alone. In Cambridge, again, although we are told, that if Dissenters were admitted to the Universities, there would be an end of all discipline, of all religious instruction, do we find that the admission of Dissenters to study in that University produces any of the bad effects which it is said would result from their admission? Do they not go through the whole of the undergraduates' studies as a matter of course? Do they refuse to conform to the discipline, or to shrink from compliance with the rules and regulations of the respective Colleges into which they are admitted? Not at all; but at the very moment when, as my right hon. friend observed, the honours of a degree appear waiting to crown his exertions, and send him with distinction in an honourable profession into the world—at that very moment the University interposes, and says, "You must sign the Thirty-nine Articles, or go without the reward you have so well deserved." There is no objection raised on the score of the religious instruction of the University, not having been received; and, therefore, the plain and simple question for the House to consider is, whether you will require this test to be taken immediately before receiving the degree, or having received it, on the party presenting himself as a candidate for University honours. The practice of the University of Oxford is widely different from the practice of Cambridge; and being a member of that University, most glad should I be if it would conform itself to the practice of Cambridge. I say so, Sir, because I feel I cannot go along with any of those ingenious glosses and comments which have been, in various quarters, made upon what is, or ought to be, a solemn act—the subscription of the Thirty-nine Articles. I cannot put upon it that gloss which says, that it is a mere matter of form, signifying only that you are willing to receive the instruction which may be given you in the University. The substitute proposed in the Bill, and the only one necessary—for when my hon. friend talks about taking securities for a man's moral character, he proposes that which it would be very difficult to accomplish—is, that the party entering the University shall engage to conform to its discipline and institutions. When we matriculate at Oxford, we swear to observe the statutes of the University. Several of them are as absurd as they can be; two of them are, I believe, that we shall not play at marbles in the high street, or trundle a hoop round the quadrangle of Christ Church; but we swear to observe them, or to submit to such penalties as may be imposed upon us for this violation. But this is a very different kind of thing from signing a solemn declaration of religious faith. This surely ought not to be looked upon as a mere form. If it means anything, it means something too solemn to be trifled with. If it means nothing, then I say do away with it as a test. But, if you require the test for anything, it is that you may be sure the party *bonâ fide* belongs to the Established Church. ["*Hear,*" *from Mr. Shaw.*] The hon. member for Dublin University cheers that observation; and I grant to him that it may be proper to have a test to guard against religious instruction being given, except that in conformity to the tenets of the Church of England, with which I do not deny that the Universities are, and ought to be, connected; but I hold it to be unnecessary, and if unnecessary, mischievous, to impose that test as a bar to the admission of persons otherwise willing to receive your instruction, and submit themselves to the existing discipline and regulations of the University. I ought to apologise to the House for having entered into this question at length; but I wished to deal with the question plainly and fairly. I hope the House will do me the justice to believe, that I would not, knowingly or willingly, support any measure injurious to the Protestant Establishment. I think, at all events, that I may ask thus much of the House. If I support the principle of this Bill, it is because I feel convinced in my conscience, that so far from being injurious, it must be beneficial to the Church. But I cannot ultimately support this Bill, unless some of its provisions be changed, and other provisions not now existing in the Bill be introduced into it. In the first place, I would not consent to the retention of that clause in the Bill against which the right hon. Gentleman opposite has turned his whole argument, and which I believe my hon. friend intends to withdraw—I mean that which interferes with the regulations of the different Colleges. My object in supporting the principle of the Bill, is to remove the test which now impedes the course of the dissenting student; but I do not wish to interfere with the future statutes of the Universities, provided they do not impose this test. I cannot admit, and I hope my hon. friend does not contend, that it should be in the power of

Dissenters to claim, that the statutes should be void, because they may, in some manner, appear to obstruct the privileges given them by this Bill. But I should not be content unless a provision is inserted in the Bill, that no degree should enable any person to enjoy any privileges or right to make him a member of the governing body, or give him privileges in the Universities without the subscription of such test as may be required, which test the Universities should be entitled to frame. I know not whether the House will agree with me, but I think the principle I wish to establish is plain and obvious; I would give the Dissenters the benefit of instruction, but take away the possibility of evil consequences resulting to the Universities, by depriving the Dissenters of all management and control in them. But there is another point adverted to by the right hon. Gentleman, the member for the University of Cambridge, which related to an incidental consequence of obtaining the degree of Master of Arts. It involves a difficulty which I hope my hon. friend will be able to grapple with; but out of which I do not at present very clearly see a road of escape. I speak of the right acquired by becoming A.M. of being teacher in certain schools, the implied conditions in the foundation of which are, that they should be members of the Church. I think such schools should come under the same rules that would make us shrink from meddling with the private foundations of Colleges. If the intention of a founder be, that the master of the school he founds should be a member of the Church of England, and he conceived, that he secured that object by providing that he should have taken the degree of A.M. at one of the Universities, we should not deal justly by his intentions, unless, in extending degrees to Dissenters, we took care to prevent his wishes being evaded. With the explanation I have now given, I can candidly and conscientiously support the second reading of this Bill; and I think, that in the progress of the Bill through the Committee such alterations may be made in it, as will render it conformable to the views I conscientiously entertain. I feel it my duty, also, to state that, unless such amendments be made, I shall, however reluctantly, feel myself compelled to vote against the third reading of the measure.

Sir *Robert Inglis* said, that the experience of the last six years clearly proved, that nothing but the total destruction of the Established Church would satisfy those who were opposed to her in religion and interests; and, in the progress of the events that had passed in that time, it was scarcely to be expected, that the Universities would be suffered to escape the destroying hand that now moved with what was called the spirit of the age. He would not say, that sentiments hostile to the Established Church were held in that House, but he knew that, out of that House, the Dissenters spoke from the feelings and principles by which all history proved them to be actuated—a deadly hatred of the Established Church. They were the same root and branch now that they were in former times; and although they were not so classical as to cry out, *Delenda est Carthago*, they meant "Down with it, down with it, to the ground." Even, if that were not asserted in so many words, there could be no doubt of the fact, that the resolutions of the Dissenters breathed the bitterest hostility to the Established Church; and that because they saw, that the Church was the weakest part of the State. What was the course pursued in 1640? They first began with the Church, then with the Aristocracy, and then with the Monarchy itself; and there was every reason to fear as much from the encroachments of the Dissenters in the present day as from their ancestors two centuries ago. An hon. Member had quoted his own experience in Oxford, and had said, that the regulations of that University were not in the spirit of the age. He did not know where the "spirit of the age" was to be sought for. One noble Lord talked of it, and another noble Lord talked of the "march of mind;" but he must say, that these, as they were now interpreted, must lead to the ruin of the Established Church. He did not deny the right of Parliament to interfere in matters of this sort, but he did deny the right of Government to destroy existing interests, unless it could be shown, that in law and in equity, those interests were incompatible with the general interests of the community. An hon. Member had asserted the right of the Sovereign to interfere in the Universities, as distinct from the right of Parliament. He would admit, that the King had a right to exercise his visitorial power, but they had enough of the exercise of that sort of power in the time of James 2nd. The right hon. member for Cambridge had said, that Parliament was bound to give the Dissenters the means of intellectual improvement, by throwing open the doors of the two Universities to them. If the right hon. Gentleman's argument were pushed to its full extent, it would establish a principle which he was sure the right hon. Gentleman never contemplated,—namely, that the State was bound to educate all the King's subjects. As to the argument drawn from the University of Dublin, that was fully answered by his hon. friend (Mr. Shaw) the member for that University. It was not necessary for him to go further upon the point, save to make one observation, which was, that residence was not required in the University of Dublin, while in those of England residence was required. It was quite impossible there could be anything like real and efficient religious instruction, if persons of every religious persuasion were admitted to the University. There was, so far as he recollected, no instance of such an experiment having been tried, except in the case of the Northampton Institution, afterwards moved to Daventry. In that academy, Dr. Doddridge attempted the plan of imparting instruction to the pupils without the inculcation of any particular religion. The attempt, however, completely failed. It had been said, that it failed because it was confined to the education of the ministers of religion. This was not the case, for Dr. Doddridge received into his academy young gentlemen of fortune not at all intended for the ministry. There were great mistakes as to the course of religious education in Oxford, and the time employed upon it. The fact was, that one-third of the time was dedicated there to theological studies. There were lectures on two days in the week which were exclusively confined to religious instruction. The system, however, was not one merely of lectures, for religious education connected itself, both in public and private, with the whole course of instruction. Mr. Maberly, who had published a valuable work, stated, that the students read the four Gospels and the Acts of the Apostles in Greek, together with *Paley's Evidences*, the *Horæ Paulinæ*, and *Butler's Analogy*. The last year was devoted to the Thirty-nine Articles. How was it possible, that such a course of study as this could be effectually or usefully pursued with young men of totally different religious opinions? This was not the case merely in one or two Colleges, but throughout the whole of the University, with perhaps the exception of only one College that was peculiarly circumstanced. No eminence, however great, in general literature, would entitle a man to take a degree at the Oxford University, unless he was qualified to pass an examination in theological subjects. That system would be destroyed, if Parliament consented to pass the present Bill. [*Cry of "No."*] The hon. member for Wiltshire (Mr. Methuen) said "No;" but he maintained, that the destruction of the present system of education must infallibly follow the passing of the present measure into law. If Dissenters were admitted, it was impossible that any course of religious instruction could be persisted in. He recollected, that at the time the London University was founded, on the principle of admitting all persons, whatever their religious opinions might be, the late Mr. Wilberforce suggested the propriety of making the students read *Paley's Evidences of Christianity*. The reply he received was, "You do not consider our Jews." Mr. Wilberforce then proposed *Paley's Natural Theology*, and the answer was, "You do not consider our infidels." This proved the impossibility of establishing any system of religious education at all, in institutions into which persons professing different religious opinions were admitted. He believed, that if the present Bill passed, the Universities, in which at present order and harmony prevailed, would be converted into an arena for religious strife and contention.

> "——— Rudis indigestaque moles.
> ——— Quia corpore in uno
> Frigida pugnabant calidis, humentia siccis,
> Mollia duris."

The effect of passing such an Act as that now proposed, must be to poison the fountains from which Christian education and Christian knowledge must flow through the land. It should be recollected, that English Universities were very different from foreign Universities. There was no institution of the kind in the world which approached at all to a similarity with the Universities of Oxford and Cambridge, and even these were very different now from what they were a century back. The great difference was this, that in the English Universities the students were resident; it was a domestic education. This was not the case in Germany, in Scotland, or in Ireland. This domestic character was the great pervading excellence of the English Universities. There was a union every morning of the young men, as of children in domestic life, for the purposes not only of secular but also of religious instruction. Each College was in itself a University, and the lecture of the Tutor stood in the place of the public lecture in other Universities. It had been said, that a College might be established in each of the Universities exclusively for Dissenters, and that in this way the difficulties complained of might be got rid of. This was not a new proposition. It was suggested before in the time of James 2nd, and Lord Ailesbury went upon his knees in vain to prevail upon the King to concur in it. The objection to it was, that a College thus instituted would necessarily participate in the government of the University, and as the members of it would naturally have strong inducements to activity and to the furtherance of their own particular religious interests, it might be productive of much inconvenience and hostile feeling, and interfere most injuriously with the good government of the whole University, so far even as to endanger the existence of the Established Religion. The Universities were at all times looked upon as meant for the support of the Established Church of the country, whatever that Church might be, or whatever its doctrines. They were looked upon in this light, and employed for this purpose, even in the year of the great Rebellion. What had the Church of England done to forfeit this source of protection and support? As to the endowments of the Colleges in the Universities, he believed even the Catholics could set up but very little if any claim to their funds, but the Dissenters not to a single shilling of them. What right, then, had the Parliament to interfere with them or their endowments? It was said, indeed, that they interfered 300 hundred years ago. Yes, but it was not till the Church at that period reformed itself. Let Parliament content itself with following the Church in reformation; let the Church first assent to the changes now proposed, and then he would admit the validity of the argument. He well knew that this doctrine was now unpopular with many. He saw some Gentlemen opposite to him who were prepared to support the Motion even though they received their education at the Universities. He would put it to them how they could reconcile this to their conscience, when, as members of the Universities, they must have taken a solemn oath to uphold the University? He called upon the House, and particularly upon those hon. Members, to listen to the oaths which they took when they were admitted into the Universities. He would quote the Oath of Matriculation at Cambridge, which the Members on the opposite Bench had taken. The words were these:—"Hujus academiæ statum, honorem et dignitatem tuebor, quoad vivam, meoque suffragio et consilio, rogatus et non rogatus, defendam. Ita me Deus adjuvet et sancta Dei Evangelia." The words of the Oath on taking a degree went even further, and bound the party to maintain not only the honour and dignity of the University,—which he might contend he did, though he admitted Dissenters,—but even the statutes, ordinances, and customs, which he could not deceive himself in supposing that the Bill upheld. The words addressed by the Vice-Chancellor to the party on such occasions were these: "Jurabis quòd statuta nostra, ordinationes, et consuetudines approbatas observabis." He asked those hon. Members who had had the advantage of a University education, to consider the nature of that Oath. If there were any faith in man—any use in religious instruction, he asked hon. Members to pause before they voted in favour of the measure. He assured the noble Lord at the head of his Majesty's Government, that he did not quote these oaths in any other spirit than that in which he would wish to be addressed, if on any occasion he was incurring the risk of violating any such engagement. If the argument in favour of the Bill were good for anything, then it amounted to this, that not only Dissenters, but persons of all denominations—people in fact of no religion whatever—would be admissible to the Universities, and be enabled to take degrees. That would destroy the whole character of those institutions. Almost every college was founded *in honorem Dei.* William of Wykeham uses the phrase "*ut Christus evangelitur.*" And even St. John's College, which was founded in the reign of Philip and Mary, though named after St. John, was founded to the glory of God. Religion was connected with every endowment. The charters referred to the supply of the Church from the Universities: the Act of 1570, which incorporated them, and confirmed all their ancient privileges, made the end of the incorporation to be "the maintenance of good and godly literature, and the virtuous education of youth. Did that imply an abandonment of religion in the system of education? Was it possible for the Colleges to answer this end without religious instruction? Was it possible to give religious instruction to persons of all creeds together? There was a bright period when the councils of the Sovereign were swayed by men anxious to protect and preserve inviolate these Institutions. The council of Queen Elizabeth, in 1593, said:—"Whereas the two Universities of Oxford and Cambridge are the nurseries to bring up youth in the knowledge and fear of God, in all manner of good learning and virtuous education, whereby after they may serve their Prince and country in divers callings, for which respect a special care is to be had of those two Universities, that all means may be used to further the bringing up of youth that are bestowed there, in all good learning, civil education, and honest manners, whereby the State and Commonwealth may receive hereafter great good." It was the great object of our statesmen till the present time, that the Universities, always connected with religion — always connected with the Church established—might provide a due supply of persons qualified to serve God in Church and State. Another set of men, with another set of principles had unfortunately arisen. Their attack on the Universities would, if successful, either render them scenes of godless indifference, or of bitter disputation. The quarter from which these attacks upon the Universities and upon the Established Religion now proceeded surprised him. But a very short time back it could not be expected that the Dissenters would have embarked so soon in such a crusade. When it was proposed to relieve the Dissenters from the Test Act, no reference was then made to the connection of Church and State as a grievance; nothing was said about Church-rates, or the admission of Dissenters to degrees in the Universities. It was only last year that any reference was made to this claim of entering and taking degrees in the Universities. He could not help saying, that this appeared very like ingratitude. The Church of England had invariably protected the Dissenters from their greatest enemies. It had been their guide and guardian, their pillar of fire by night, and their cloud by day, and the present demands were the grateful return. This, as Mr. Burke said, was not conscience, it was ambition. They wanted nothing that they could in reason and justice demand; and he would say to them what was said three thousand years ago, "Ye take too much upon you." The Dissenters were now acting like those men who, having laid unholy hands upon the ark of God, were told, "You take too much upon you." Such being his view of the Bill, he fully concurred in the Amendment moved by his hon. Colleague that the Bill be read a second time that day six months.

Mr. *Pryme* expected, that much of the opposition to this Bill would be founded on an erroneous principle, and so it had turned out, as he knew from having, during the last twenty-five years, taken some small share in the proceedings of the University of Cambridge. He felt confident, that his right hon. friend opposite would not be able to say that in his time—and he and his right hon. friend had been contemporaneous—there had been any degree of religious instruction or examination in the University to which a Dissenter could have objected from scruples of conscience. He (Mr. Pryme) said that there was none. The examination at Cambridge consisted of papers written or printed. Members might laugh; but he thought that a man who had spent the whole of his time in the University was entitled to speak on this question. He therefore said, that if in those written or printed papers there was a theological question which was contrary to the feelings and prejudices of any party examined, that person might pass it by, and proceed to give his answer to the next. There was nothing in the institutions of the Universities which could prevent Dissenters of all classes from belonging to them. In Cambridge they did belong to that University; they went through all the studies of the place; but they parted from their fellow-students, who belonged to the Established Church, on coming to the examination for degrees. It was said this was not a grievance. Perhaps Gentlemen were not all of them aware of the excitement which prevailed just before the degrees were taken. In extent of interest, it was scarcely less than that which takes place at elections for Members of Parliament. The Dissenter was excluded at the time when hope was most strong—when the feelings of the future were most vivid. He finds himself in the midst of a race in which he cannot strive for victory—in a situation in which he is marked out from all the companions of his youth and studies. He had not experienced, for he was a churchman—but he could easily imagine what feelings must prevail in the breast of such an individual, when he was obliged to turn from the contest in which his contemporaries were engaging. He would only make one observation more, and then he would leave the House to the question for which it was so anxious, and on which its decision would be so valuable. It had been asked what would be the opinion of the venerable framers of our Revolution, if they were placed in the situation in which we now were. Now, to that question he would reply, that we were not to judge of this age by the sentiments of our ancestors 100 years ago; we ought rather to consider what they would do with our knowledge and with our more liberal views. He thought that they would have concurred with us in the propriety of throwing open the institutions of learning to all persons, without regard to what were their conscientious feelings on the subject of religion.

Sir *Robert Peel* felt bound to say, that no modification which the Bill was likely to receive or could receive, would reconcile him to give his vote in favour of the principle on which it was based. He regretted much that the hon. Member, the author of the Bill, had not attended hitherto to the frequent appeals that had been made to him, and explained to the House what was the real intention of the Bill, as well as what was the construction to be applied to several of its leading provisions. As he understood the Bill, the effect of it was this:—It first recognised, in the preamble the advantages of academic education, and urged the expediency of its extension to all classes of his Majesty's subjects; it then recited that many sincere and conscientious men were excluded from partaking of the benefit thereof by reason of the necessity of subscribing to articles of religious doctrine, or to declarations of opinions respecting modes of faith and worship; and then it contained an enactment which gave a positive statutable right to every Dissenter, be he Jew, Infidel, or of no religion at all, to demand his admission to an University, unless immorality or ignorance could be alleged against him. The Bill then went on "And be it further enacted, that no Statute, Law, Ordinance, Decree, or Grace made or passed by any authority whatsoever in any of the said Universities, or in any of the Colleges or Halls within the same, shall in any manner obstruct, limit, or qualify the plain intent and obvious meaning of the foregoing enactments; but such Statute, Law, Ordinance, Decree, or Grace shall be to all intents and purposes void and of no effect." Now, what was the meaning of that clause? Surely the obvious meaning of it was, that Dissenters, without reference to religious tenets, should have the right of entering the University, and that, if any College or Hall should attempt to adhere to an existing Statute, or should attempt to pass a Statute hereafter making attendance at Divine Worship in such College or Hall requisite, that Statute should be of no effect.

Mr. *George Wood* said, the right hon. Gentleman totally mistook the intention of the clause. It was never contemplated to apply it to any such purpose.

Sir *Robert Peel:* Why I read the very words of the clause. Here was a Gentleman who proposed to deprive the Universities of Oxford and Cambridge of that control over the education of the country which they had exercised so beneficially for a period of more than three hundred years, who undertook to violate every privilege which as Corporations they possessed, and who took upon himself the office of director of education at both the Universities, who drew up a Bill for their regulation which no man of common sense could understand. What, then, he asked, was the true interpretation of the clause? Did the hon. Member, after recognising in the preamble of his Bill the advantage of an academic education, and after urging that all men of every description of religious opinions should be admitted to the benefits of that education—did he mean to say, that if there were Statutes at present in existence in any College or Hall which rendered compulsory, or gave the right of hereafter rendering compulsory, on all students, attendance at Divine Worship, such Statute was to remain in force; and, as a necessary consequence, did he mean to say, that the Dissenter was to be deprived of the benefit of the very first enacting clause in his Bill? Was there to be a right in the Colleges to enjoin Divine Worship or not? The hon. Member, the author of the Bill, said there should be such a right. The Colleges and Halls at the Universities did at present enjoin attendance on Divine Worship. Were they to lose the power to require attendance, or did the hon. Member propose leaving to the Colleges and Halls the right of enforcing existing Statutes, and of making future regulations to the same effect? If the hon. Member said, that, after passing the Bill, the Colleges and Halls were to continue to enjoin and require attendance at Divine Worship, then he contradicted the preamble of his own Bill. Would the hon. Member state what he did mean by the clause which he had already read. If the laws now in existence at the Universities were enforced, or if future Statutes were passed compelling the students to receive the Sacrament or attend the Worship of the Church of England, the intent and meaning of the Bill would be completely defeated. He interpreted the clause to imply, that the right of enjoining Divine Worship must be taken away from the Colleges to which Dissenters succeeded in obtaining admission, and to such a clause he, for one, never could or would give his assent. The subject under discussion was a very wide one; and he would therefore limit his observations to a statement of the reasons why the arguments he had heard had not produced an impression on his mind favourable to the Bill, and why he intended to resist it altogether. The right hon. Gentleman, the Secretary for the Colonies, in the course of his speech said, that the whole of the objections against the Bill partook of the nature of that clamour which was raised against it in the University of Cambridge, and which proceeded on the assumption, that the present was one of a series of measures aimed at the existence of the Established Church. He did not hesitate to say, he considered it in that light. It was impossible for him to read the declaration which was made on the 9th of this month, and put forward by the delegates of the Dissenters, in which they expressly declared, that, although they did not seek any participation in the estates of the Established Church for the sake of pecuniary emolument, yet they claimed as a right the severance of the Church and State, and the appropriation of all the property of the Church to secular purposes, it was impossible, he said, for him to read that declaration without having some doubt as to the ultimate designs of the Dissenters, and some fears as to the real objects proposed to be obtained by Bills such as this. He was compelled to recollect, that various other measures of an analogous character were at present before the House. What, he would ask, did the noble Lord intend to do with the Bill for the abolition of Church-rates? The period of the Session was now far advanced. That Bill was not beneficial to the Church; and at the same time proposed a substitute which was not to the liking of the Dissenters. Did the noble Lord intend to persevere in that Bill or not? If he did not mean to convert it into law, it was a Bill which, by condemning the Church-rates, would aggravate the difficulty of their collection, and provide no substitute for them. There was also another measure before the House, relating to the registration of births, marriages, and deaths, which deeply affected the interests of the Established Church. He admitted, that it might be right to give to the Dissenters a separate registration for their own congregations; but it was rather too much to take from the Established Church the registration of the births, marriages, and deaths of its own members. With regard to the appropriation of Church-property, he could not help recollecting that they were at present without any definite knowledge of what were the views on that subject of his Majesty's Ministers. He did not profess to give any opinion of his own on the abstract merits of these different questions; but they appeared to him, one and all of them, to affect the interests of the Church of England. He had, therefore, a right to consider them separately, not upon their own abstract merits, but as forming parts of a whole. He was uncertain what meaning he ought to attach to the 3rd clause of the Bill, after the positive contradiction of its palpable meaning which had been given to it by the hon. Member who had framed it. This, however, he would say, that nothing would be more surprising to the Cambridge petitioners than the answer which had been given by this Bill to their petition. The petitioners called for the restoration of the ancient laws and laudable customs of their University; but he did not think the right of a Jew to be admitted at Christchurch, or of an Unitarian to be admitted at Trinity, was one of those ancient laws and laudable customs. When he read the last part of their petition, which was couched in the following terms:—"Your petitioners disclaim all intention of hereby interfering, directly or indirectly, with the private statutes and regulations of individual colleges, founded, as those colleges are, on specific benefactions, and governed by peculiar laws, of which the respective heads and fellows are the legal and natural guardians;" and when he contrasted it with the 3rd clause, which declared that the statutes of the University were not to limit this Act, he thought that the first feeling of those Gentlemen who were of opinion that the heads and fellows of a college were its legal and natural guardians, would be one of deep regret that they had not postponed their petition for future consideration. His right hon. friend had said, "I have compared the system which prevails at the English Universities with that which prevails in America, in Germany, and in other countries; and though I admit that they have all produced many eminent men, I yet must claim for the Universities of my own country a superiority over them in all the distinctions of literature and science." Now, he would ask his right hon. friend what was the distinguishing mark between the Universities of England and those of every other country? It was religion. It was in vain to deny that position. It had been said, however, in the course of the Debate, that the Universities of England were not theological seminaries, and that they did not limit their instruction to theological subjects. But if these were the only learned bodies in the State which supplied instructions to the ministers of the Church of England,—if 49-50ths of its pastors received their education within their walls,—if there was a wish on the part of the authorities to exclude from the Church all persons save those who had been educated at the Universities, it was in vain to deny, that the Universities were schools of theological learning. They certainly united instruction in polite letters and the affairs of the world with theological learning, and they embraced in one common system of education the future Statesmen of the land, the future Ministers of the Church, and the landed proprietors by whom the patronage of the Church was hereafter to be exercised. They sent forth from their schools such men as the hon. member for Wiltshire (Mr. Herbert), who had repaid the obligations which he owed to the University, not only by the talents which he had that night displayed in its defence, but also by the example which he had set as an English gentleman, of his anxiety to vindicate the cause of religion. If he were told, that a new principle was to be adopted in the Universities, that religious instruction was to be no part of their system, then he would tell them, in return, what would be the consequence. The Dissenters would not have the benefit from their admission into the Universities which was now anticipated. Those institutions would be robbed by their admission of the principle, which was the charm and essence of their existence; and the Dissenters would not obtain those advantages the Bill professed to give them. If religious instruction were discountenanced within them, could they long continue to be the nursing places for a body of pious and well-educated clergymen? Could they be those renowned places for education which were now honoured in every quarter of the globe. With all religions sheltered within their walls, would not the different colleges be soon embittered by dissensions arising out of religious controversy? It had likewise been said, in the course of the debate, that Dissenters had already been admitted to the Universities; and this question had been asked, "What harm had been done by their admission." To that question he would reply by another: "In what numbers have the Dissenters been admitted? Are there now twenty Dissenters in both the Universities? If there were twenty Dissenters in the Universities, he believed that it would turn out that they were not known there as Dissenters. How were they known to be Dissenters? They might be the sons of Dissenters; but you could not call upon them for a declaration of faith, until the time came for their taking their degrees. They conformed to all the discipline of the Colleges; and that led him to ask the hon. member for South Lancashire, whether he intended to insist upon Dissenters attending Divine Service according to the discipline of their respective Colleges? [Mr. *George Wood*:—Yes.] "Then I will not (said the right hon. Baronet) offer to the Universities the mockery which you propose. I will not say to the Dissenter, "I will remove from you all distinctions arising out of difference of religion," and then turn round upon him when I have got him to the University and say, " Now I have got you; I will compel you to attend night and morning at the chapel. I will compel you to attend to the theological lectures, which even call in question the religion which you profess." According to the present system, the Dissenter being admitted to the College by connivance, there was nothing to distinguish him from the rest of the students, and there was a hope even that ultimately he might conform to its doctrines; but if the present Bill once passed, that hope was at an end; the Dissenters would be distinguished from the Churchmen, and the difference of opinion manifested among the youth, would only cherish the seeds of permanent dissension. The hon. and learned Member who spoke last told the House, that the Dissenters were refused all honours at the Universities. Now, it might be presumptuous in a man like him, who had not been educated at Cambridge, to set himself up against one, who for twenty-five years, had taken part in its instruction. But he took interest enough in the affairs of the University of Cambridge to know, that in this very year a Dissenter had distinguished himself highly in his examination. The hon. Gentleman might shake his head in doubt, but such most certainly was the fact, as he would find on inquiry. He had heard much of the liberality of the examinations at Cambridge; but such liberality as the hon. Professor had mentioned he had never before heard of. If he was ever to be submitted to public examination, he hoped that the learned Professor opposite might be his examiner. He did not, however, see why an examination conducted by a series of papers, printed and written, might not be as stringent as a *vivâ voce* examination. But if he might be permitted to pass by questions which he did not like, and if he might be permitted to pretend religious scruples whenever he was ignorant of the proper answer to them, he thought that the examination would not be attended with any great difficulty. He was afraid, however, that this mode of examination was not usual. He would ask the hon. Member, was it usual, were the young men at liberty to pass by a question which they could not answer to one which they could? [Mr. *Pryme*:—Yes.] He would not then pursue that subject any further. He had already said, that the present system afforded an opportunity of attaching the Dissenter to the Universities; but when he was admitted there upon his statutable right, then you would multiply the difficulty of his adhering to your church, without branding his forehead with the title of a recreant to his faith. He would proceed to the observations of the late Secretary for the Colonies, and he was bound to say, that the readiness of that right hon. Gentleman to consent to the second reading of the Bill was a strong inducement to everybody who opposed it to reconsider their opinion. He was likewise bound to say, that the right hon. Gentleman was a true and sincere friend to the Church of England, and to prove that point to the satisfaction of that House, it was not necessary for the right hon. Gentleman to have made the splendid sacrifice which he had recently made on behalf of his principles. He was not, however, satisfied by the observations of the right hon. Gentleman; and even if the Bill were modified as that right hon. Gentleman wished—and at the third reading he was certain that those modifications would be opposed by the Dissenters—he should still be compelled to oppose it. The right hon. Gentleman said, that he would admit the Dissenters to degrees, and not allow them to interfere with the instruction. He thought, that the right hon. Gentleman would find as great difficulty in maintaining that position as he now felt in maintaining the principle laid down in the Bill. He would proceed to notice an observation of the right hon. Gentleman —he could scarcely call it an argument— which had been loudly cheered by the House. The right hon. Gentleman had objected to the subscription of the Thirty-nine Articles by young men on their matriculation at Oxford. Now, there might be great objections to that practice; but that was not the question then before the House. He was not prepared to say, that it was material that the answers, as respected a belief in the Thirty-nine Articles, should be given before admission;

and he might observe, that the University of Oxford had the complete power to postpone the period at which those answers should be given, although it might ultimately require them. But, supposing that Oxford were to adopt the practice of Cambridge, and to require only, that the student, on entering, should declare that he was a *bonâ fide* member of the Church of England, in what respect would that benefit the Dissenter? Could persons who dissented from the Church of England, upon seeking matriculation, deliberately declare that they were *bonâ fide* members of the Church of England? In the course of the debate, reference had been made to the attendance at college chapel; and it had been said, that that attendance should not be insisted upon as a part of college discipline; but if there were any inconvenience on that score, the University could apply a remedy—it might diminish or change the hours of attendance. After all, the main question was this—shall there continue, as a part of the academical education afforded at the Universities, a necessity on the part of the student to attend the services of the Church, and to apply himself to instruction in religious matters? That was the real question; and all the other points touched upon in the course of the discussion were mere matters of detail, and wholly apart from the great principle involved in the present measure, namely, the continuance of the two Universities on that footing upon which they had rested ever since the Reformation;—the question was, shall that be adhered to, or shall it not? The right hon. Gentleman said, he was willing to admit Dissenters to degrees, and to all the civil advantages which those degrees could confer. Now, suppose that step gained, would not the claims of the Dissenter to further advantages connected with the Universities be quite as good after that concession as before? Might he not lay claim to the same rights, and upon the very same grounds might he not insist, with as much show of reason then as now, upon being admitted to all immunities, not necessarily connected with ecclesiastical offices or preferments? The degree which the right hon. Gentleman proposed to give him would be a degree of inferior value, and, as such, it would prove unacceptable, certainly unsatisfying, and, perhaps, be considered quite as mortifying as his present exclusion. How could they, after that, refuse the further demands of the Dissenting body? Could they say to the Dissenters, "We have granted you this limited privilege, but we will grant nothing further. We have admitted you to take degrees, but you shall still be a separate class. We will allow you to acquire honours, but you shall have no power to control the future destinies or future instruction of the University?" His experience showed him, that concession of that kind was a slippery ground to stand upon. It would not be, as the right hon. Gentleman had represented, a deprivation of ecclesiastical privileges, but a formation of the Dissenters at the Universities into a separate class, who never would remain contented with the mere empty degree of Master of Arts, but would continue to strive after—nay, peremptorily to demand—a perfect equality in all things not necessarily connected with ecclesiastical affairs. He would put the case of two students intending to enter upon the profession of the law, the one a Dissenter, the other a member of the Church of England; either might have, he would suppose, a lay fellowship, if the religious scruples of one of them had not happened to stand in the way. The Dissenter might stand more in need of such fellowship. He would then put it to the right hon. Gentleman to say, how he could, upon his own principles, refuse the claim of the Dissenter to a collegiate advantage not necessarily connected with ecclesiastical affairs?—by what right could he establish such an invidious distinction on a matter merely of civil benefit and advantage? To his mind it did appear infinitely more rational and consistent to proceed according to the recommendation of the hon. member for Leeds, and grant to the Dissenters a full and equal participation in all the advantages of the Universities not necessarily of an ecclesiastical or spiritual character. As he before observed, it would be necessary for him to condense into as narrow a compass as he could the few observations which, at that late hour of the night, he should feel himself warranted in submitting to the House. He hoped he had succeeded in showing, that there was nothing in the arguments of the last speaker, or in those of the right hon. member for Cambridge, to warrant any change in the impression left on his mind with respect to the present question, or that what they had said was, in any respect, sufficient to induce him to withdraw his opposition. But he could not, upon an occasion like that, avoid taking an extended view of the question which they had to decide. They had but a short time since removed all the civil disabilities under which the Dissenters laboured by the repeal of the Test and Corporation Acts; they had given to the Roman Catholics a complete measure of relief; they had effected a vast change in the constitution of Parliament; and the question at length resolved itself into this—were they or were they not to maintain within the United Kingdom an established religion? In all the various discussions which they had, as well upon the measure of Roman Catholic Relief, as upon the repeal of the Acts affecting Dissenters, the whole of the questions, in each instance, were confined to civil and political privileges. There never was the slightest intimation that the removal of those disabilities would lead to further demands, and lay a ground for ulterior claims; their warmest advocates, Mr. Fox and Mr. Grattan, never held the opinion that, when the disabilities of the Roman Catholics were removed, and the grievances of the Dissenters redressed, the State should, in consequence thereof, be precluded from maintaining an established religion. Such an opinion, such a wish, had never been expressed by any of the great men who, at various periods, had come forward as the zealous advocates of a repeal of the civil disabilities under which some portion of their fellow-subjects formerly laboured; and he contended, not on the narrow ground, that, as a member of the Church, he was, therefore, anxious to sustain the Church,—not on the sordid and selfish ground that to the present members of the Church should be limited all the advantages of the Church; but he contended, for the common benefit of all classes within this realm, for the benefit of all denominations of Christians, Dissenters as well as members of the Church of England, that there was an inestimable advantage in maintaining the Established Church, protecting us from superstition on the one hand, and from fanaticism on the other—promoting the decent observance of Divine Worship, and securing us a continuance of that tolerant system which, he would venture to say, the Church of England, above all other churches in the world, had most fostered and encouraged. Upon these grounds, he contended, that for the benefit of the community at large, no matter what their form of religious belief, it was absolutely necessary that they should maintain, within this kingdom, the inviolability of the Established Church. He was convinced, that many of those who would otherwise dissent from the measure at present proposed, had been induced to give their support to it from a mistaken belief, that it would not tend to undermine or impair the stability of the Established Church. The right hon. Gentleman, the late Secretary for the Colonies, was one of these. He was as anxious to maintain the inviolability of the Established Church as any man; and the only difference between the right hon. Gentleman and himself was not, that they pursued different objects, but in agreeing as to the best mode of attaining what they pursued in common. If his construction of the Bill were right—if the House meant to send this measure down to both the Universities, overturning their privileges, invading their corporate rights, undertaking, on the part of Parliament the management of that discipline which heretofore had been administered exclusively by the Universities themselves—if it did that, and if his construction of the Bill were correct, they would ruin the Universities as schools of religious instruction, and thereby strike a fatal blow at the integrity of the Established Church. What was meant by the term "Established Church" or "Established Religion?" It was not the stipend attached to the performance of religious duties—it was not the value of the living which a minister of the Church might hold; it was merely that legislative recognition by the State of one particular form of religion which it declared should be the established religion of the country, and which, as the established religion, should have preference before all other forms of religion. But if, instead of affording it that preference, it was said, that the Universities which had the education of its ministers should not have the right to insist upon their students attending either upon Divine Service, or to any course of religious instruction which could interfere with the prejudices of the Dissenters, who might be admitted within these walls;—if this course with respect to the Universities were taken, that was depriving the Established Church of one of the greatest advantages to which, as the disseminator of the doctrines of the recognized religion of the land, it had an undoubted and indisputable claim. Entertaining the views which he had laid before the House, and under the influence of the reasons which he had stated, he must be permitted to say that, if they passed the present Bill—if they discountenanced the Universities as schools of religious instruction—if they entitled Dissenters to enforce their claims by means of a *mandamus* from a Court of Law—and if they put an end to the connexion subsisting between the Church and the Universities,—they would do an act of infinite prejudice to the former, without achieving any advantage for the Dissenters.

Lord *Althorp:* Whenever the time shall come when it appears to me that the contest which the right hon. Baronet so confidently anticipates has commenced, and it becomes a question whether we are or are not to have an Established Church in this country, the right hon. Baronet will find me as ready as he is to support the Established Church. But I think that I am neither injuring the Established Church, nor weakening the ground on which we shall then stand, by removing any objections which may at present exist to the institutions of the Church of England. Nor do I think, that by supporting this Bill in particular, I shall do anything calculated to injure those establishments. The argument of Gentlemen during the evening with respect to this Bill has been, that it tends to destroy the possibility of a religious education in the Universities. I certainly should be ready to agree with those who oppose the Bill if I thought such would be its result; but I do not perceive that any such consequence would necessarily ensue. I do not think it even probable. I concur with the right hon. member for the University of Cambridge, that members of the Established Church have a right to ask, that there should be a place of public education for their children, and that they should have the benefit of a public education in the principles and doctrines of that Church, and that any attempt on the part of any other class of religionists to interfere with that right would be an act of intolerance; but I do not see how this Bill takes away any part of these advantages. This Bill, as I understand, does not interfere with the internal discipline of the colleges. All that it gives to the Dissenters is the power of taking degrees, and not only to Dissenters, but it gives to all persons the power of taking degrees without subscribing any articles, or declaration, or making any particular profession of faith. But it does not give the power of holding any fellowship or office for instructing the youth of the country in doctrines opposite to those of the Established Church. The right hon. Gentleman has said, that the Bill may interfere with attendance on divine worship. Possibly it may be necessary to introduce some clause to exempt Dissenters from attending the Divine Worship of the Church Establishment. I say possibly, for I do not know that such is the case, and I believe that in the University of Cambridge Dissenters do attend Divine Worship without any hesitation, and absence from it is, therefore, not a necessary consequence of this Bill. But even supposing it were, it does not interfere in the slightest degree with the education of the children of Churchmen in Church of England principles. I do not pretend to any modern knowledge of Cambridge, nor to any at all of Oxford; but when I look back to the period when I was at the University, I cannot say that I derived any advantage from any theological instruction which was given me. I don't say that is the case now. The system may have been changed. That the education at the Universities should be a religious education is in my opinion an object of the greatest importance; and that the Universities should be continued as a school for the education of members of the Established Church is an object of equal importance; and if the Bill interfered with its accomplishment, it should not have my vote. But I do not see anything objectionable in the Bill when slightly altered, for certainly the wording of the clause to which the right hon. Gentleman has alluded did strike me to be objectionable. I agree much with my right hon. friend, who spoke from this side of the House, that the wording of that clause goes further than I am inclined to go, and I believe much further than any opinions which I have expressed. The principle of the Bill is, to admit persons to take degrees without subscription of articles or declaration of faith. In voting on the principle, I do not pledge myself further. In the Committee I shall be prepared to move such alterations as shall be necessary to make the Bill accord with my views; and if the Bill should not come out of Committee in a shape consistent with those views, I shall be prepared to give it my opposition on the third reading; but from what my hon. friend has stated, I believe that he will not object to such alterations. If so, I shall be ready to support the Bill.

Mr. *O'Connell* begged to protest against the doctrine laid down, on two or three heads, by gentlemen who had grounded themselves on the Catholic Relief Bill, and insisted that this measure was required by the Catholics to extend the provisions of that Bill. This, on the part of the Catholics, he entirely disclaimed. Where was the petition in favour of this measure from the Catholics. He would go further, and say that were not that Bill founded on the principle of freedom of conscience, the Catholics would not support it. As far as the Irish Catholics were concerned, they, less than all, wanted it; for in Ireland the Universities were open to them, and they could take the highest degrees in medicine, civil, or common law. They strictly obeyed all the University rules, except attending chapel; which was, on account of their religion dispensed with. This was not a question on which the cry of "No Popery" could be raised. The cry must be "No Dissenters;" a cry not very likely to meet with much favour in that House. He must confess, that the debate of that night had inspired him. He had but very little respect for any party who would attempt to get back into power upon a cry of "No Dissenters," or "No Popery;" yet a man must be blind, not to see that there was such a party in that House. Here, however, it would not answer. Tom-foolery would not tell there, though, to listen to the speeches they had heard that night, one might almost have fancied that one of the grave doctors of Oxford was suddenly transported thither from the more congenial soil where they had lately figured. Oh, how gloriously consistent were these *élite* of wisdom! Think of a whiskered hussar, in a doctor's cap and gown, preaching morality. Surely the House must catch new enthusiasm from the vociferous shouts of beardless bigots. He pitied the party who, in the echo of these shouts, aided by ancient drivellers and dreamers of by-gone intolerance, fondly imagined themselves listening to the voice of public opinion. Did they imagine that they could prevail on the public to confound the religion of the Established Church with its wealth, dignities and emoluments? Yet the Dissenters wished to touch none of these—they claimed nothing which could fairly be denied to them. Those who wished to support and maintain the Established Church would do well to concede this demand. He could not conceive on what ground it could be opposed. Indeed it was his most deliberate opinion that the Church was in more danger from her friends than her enemies. Such fanaticism — for interference with the religion of others was fanaticism — was inconsistent with the spirit of the age. The days of sanguinary persecution were gone—fanaticism in its most revolting form was at an end, but the pecuniary fanaticism still remained. The piety which they upheld, the persecution which they inflicted, were the piety and the persecution of the pocket. The sacredness of religion had given place to the sacredness of office, station, wealth, and dignity—these had survived, but survived even, as he believed, only to excite the execration and contempt of every liberal and enlightened mind throughout Europe. The right hon. Gentleman seemed to look with great satisfaction on the prospect of conversions likely to ensue to the Church of England from opening the Universities; in short he wanted to convert them into Church-traps to catch dissenting rats. He would not trespass further on the exhausted patience of the House, but just to refer to some of the attempts recently made, to seduce the Dissenters. He had seen a proclamation headed "Winchilsea and Nottingham." It was a most amusing one. It praised the Dissenters to the skies, as holding the pure doctrines of Christianity, and called on them to join all their influence against infidelity, scepticism, and popery. *Tempora mutantur.* In looking back to the *Parliamentary Debates* of 1828, he found a speech headed "Earl of Winchilsea," whether the same Earl whose name he had recently seen figuring in the papers, he knew not. That Earl of Winchilsea, however, remarked of the Dissenters, that he found them all claiming credit for a belief in Christianity, but he would state, and could positively affirm, that some of them were no more entitled to the appellation of Christians than the followers of

Mahomet,—indeed, not so much; for whilst the former denied the existence of Christ, the latter believed in it. Yet these were now the pure Christians who were called on to join in a crusade against infidelity, popery, and scepticism; and this was in the 19th century, and sprung from a party who imagined that, by these means, they would gain place and power. But they were not such attempts as the Government had to dread. If they would only stand by the people, they might laugh all such attempts to scorn. He conjured them not to do the work of their enemies, nor attempt to trample on a people who would die sooner than forego the principles of justice.

Lord *Sandon* said, he should be very sorry to see those who stood by the Church and State following the advice of the hon. and learned member for Dublin. The support of the hon. Member was of very great value to the Government, but he should like to hear what the hon. Member would have to say next year to the noble Chancellor of the Exchequer if that noble Lord should not wish to advance a step further in the way the hon. and learned Member might desire. It seemed, that all the hon. and learned Member's notions about fanaticism had a connection with his pocket. The question before them had other considerations besides the danger of the pocket. It was a question of honour, and one that involved the best interests of the whole country. After this Bill had passed he could not see how next Session they could refuse to interfere with the rights and discipline of private Colleges. When the hon. and learned Member, as a friend of the Church, gave his advice, he could not help saying a few words about that advice and cautioning the House against it.

Mr. *George Wood* briefly replied. He contended, that there was nothing in the objection of the opponents of the measure which touched the provisions of the Bill, and he felt great satisfaction in saying that nothing had occurred to render him doubtful of its success. It was the right of all classes of the people of this country to enjoy a University education if they desired to avail themselves of it; and he complained, that they could not at present obtain that advantage except by complying with objectionable conditions, which were not necessary for the support of religion or of the Established Church. He did not wish to interfere with the Established Church, but merely desired to establish a principle which would afford satisfaction to a large body of the people, promote harmony and good will, and strengthen the institutions of the country, by uniting all classes in their support.

The House then divided on the Motion for the second reading: Ayes 321; Noes 147; Majority 174.

The Bill was read a second time.

List of the Noes.

Agnew, Sir A.
Apsley, Lord
Arbuthnot, Hon. H.
Archdall, M.
Ashley, Lord
Ashley, Hon. H. C.
Attwood, M.
Bankes, W. J.
Baring, A.
Baring, H. B.
Baring, F. T.
Bell, M.
Bethell, R.
Blackstone, W. S.
Bolling, W.
Bruce, Lord E.
Brudenell, Lord
Bulkeley, Sir R. W.
Burrell, Sir C. M.
Calcraft, J.
Campbell, Sir H. P.
Cartwright, W. R.
Castlereagh, Viscount
Chandos, Marquess
Chapman, A.
Chetwynd Captain
Clive, Viscount
Clive, Hon. R. H.
Cole, Viscount
Cole, Hon. A.
Conolly, Colonel
Copeland, Ald.
Corry, Hon. H. L.
Cripps, J.
Daly, J.
Dare, R. W. H.
Duffield, T.
Dugdale, W. S.
Duncombe, W.
Eastnor, Viscount
Egerton, W. T.
Fancourt, Major
Finch, G.
Foley, E. T.
Foley, J. H. H.
Forbes, Viscount
Forester, Hon. G.
Fox, S. L.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Gladstone, T.
Godson, R.
Gordon, Hon. W.
Grimston, Viscount
Halcomb, J.
Halford, H.
Halse, J.
Hanmer, Sir J.
Hanmer, Colonel
Harcourt, G. V.
Hardinge, Sir H.
Hardy, J.
Hawkes, T.
Hay, Sir J.
Hayes, Sir E.
Henniker, Lord
Herbert, Hon. S.
Herries, Rt. Hon. J.
Hill, Sir R.
Hope, Sir A.
Hope, H. T.
Hotham, Lord
Hughes, H. H.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Kerrison, Sir E.
Knatchbull, Sir E.
Lefroy, A.
Lewis, Rt. Hon. T. F.
Lincoln, Earl of
Lopes, Sir R.
Lowther, Viscount
Lowther, Hon. Col.
Lyall, G.
Lygon, Hon. Colonel
Mandeville, Visct.
Manners, Lord R.
Marryat, J.
Marsland, T.
Maxwell, J.
Maxwell, H.
Meynell, Captain
Miles, W.
Miller, W. H.
Mills, J.
Murray, Sir George
Neale, Sir H.
Neeld, J.
Nicholl, J.
Norreys, Lord
Ossulston, Viscount
Palmer, R.
Patten, J. W.

Peel, Rt. Hon. Sir R.
Peel, Colonel
Penruddocke, J. H.
Perceval, Colonel
Phillipps, C. M.
Pigot, R.
Plumptre, J. P.
Pollock, F.
Price, R.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Ross, C.
Ryle, J.
Saunderson, R.
Sandon, Lord
Scarlett, Sir J.
Shaw, F.
Sheppard, T.
Sinclair, G.
Somerset, Lord G.
Stanley, E.
Stormont, Viscount
Taylor, Rt. Hn. M.A.
Thompson, Ald.
Townley, R. G.
Trevor, Hon. G. R.
Tullamore, Lord
Tyrell, Sir J. T.
Tyrell, C.
Vernon, G. H.
Villiers, Viscount
Vyvyan, Sir R. R.
Wall, C. B.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Williams, T. P.
Willoughby, Sir H.
Wood, Colonel
Wynn, Right Hon. C.
Yorke, Captain
Young, J.

TELLERS

Goulburn, Rt. Hn. H.
Estcourt, T. G. B.

PAIRED OFF.

Balfour, J.
Bateson, Sir R.
Darlington, Earl of
Houldsworth, T.
Jones, Captain
Newark, Viscount

HOUSE OF COMMONS,

Saturday, June 21, 1834.

POOR-LAWS' AMENDMENT—COMMITTEE.] On the Motion of Lord Althorp, The House resolved itself into a Committee on the Poor-laws' Amendment Bill.

The Question was put on the first of the Clauses relative to bastardy, which had been postponed.

Mr. *Miles* rose to submit the clause of which he had given notice, as a substitution for that proposed by the noble Lord. It was important the House should know in what situation it stood with regard to the law of bastardy. By the 69th, 70th, and 71st clauses, they had declared that in future the burthen of an illegitimate child should be entirely thrown on the mother, and that all responsibility should be removed from the putative father, or in other words that the woman was the seducer, and the man the seduced. He could not view such an enactment without the most serious apprehensions, the clause he proposed would therefore place some portion of the responsibility on the head of the father. It would also remedy another very considerable evil. At present it was the system of the parish rather to consider the circumstances of the putative father, and his ability to pay the demand made upon him, than what would be a sufficient indemnity for the maintenance of the mother and child. Now, the clause which he meant to propose, with a view to the relief of the parishes, would have the effect of rendering that indemnity more adequate to the support of the child, and thereby diminish the burthen. It proceeded upon the principle, that the child should not come to the parish until it was actually chargeable. He also proposed to give the putative father the power of meeting the charge of affiliation against him by witnesses before the Magistrates, instead of being sent to prison, and being compelled to appeal against the decision of the Magistrates at the Quarter Sessions. The hon. Member moved a clause to the effect he had described.

Mr. *Frankland Lewis* said, this clause was rather explanatory of the views recommended by the Commissioners. Its effect would be to throw the child upon the settlement of the mother, and thereby prevent the evils arising from unpleasant interference of different parishes, and those scenes which so frequently took place before the Magistrates. He thought it was most desirable that the parish should have no inducement to interfere until interference had become absolutely necessary. Admitting that a responsibility should rest upon the putative father of the child, it was of the greatest importance that the charge made upon him should be confined to the actual expenses incurred, so that a surplus should never remain in the hands of the parish.

Lord *Althorp* had before stated, that he preferred the clause contained in the Bill. He considered that the effect of the hon. Member's Amendment would be so to punish the man by imprisonment, that he would be induced to marry the woman in order that he might escape the punishment. This would be most injurious, as it would lead to many improvident marriages. With regard to the question of whether the order of the Magistrates upon the father should be for the support of the mother and the child, or the child only, he thought it should be of such an amount as would cover the expenses of the mother from the period of her being with child till her confinement, but that afterwards the father should be called on to maintain the child only, and not the mother. With respect to a surplus remaining in the hands of the parish, he was of opinion that would seldom occur, because the parish had no right to come upon the father unless the mother was actually chargeable. It was said, the mother would leave the workhouse when she was able to work and maintain herself, and it was asked in that case what was to become of the child? But by the present Bill, the mother was bound to maintain the child. The only difficulty was, what course ought to be pursued when the mother was able to support herself, but not the child. He saw no alternative but the parish supporting both; otherwise he admitted one of the objections to this Bill—namely, that the workhouses would become to a certain extent foundling hospitals, which were a sort of institutions not very desirable to be established in this country.

Mr. *Ayshford Sanford* observed, that at present the woman did not become chargeable, but only the offspring; but the words of this clause rendered the mother herself chargeable. Now, he did not wish to charge the father with the mother's maintenance; but if he were not charged, an additional burthen was thrown on the parish. He did not see how this difficulty was to be got rid of.

Mr. *Robinson* regarded the clause as an Amendment to the Bill; but he still objected to all the liability being cast on the woman, while the man was allowed to go free.

Sir *Thomas Freemantle* thought the inconvenience of being obliged to receive relief only in the workhouse would be sufficient to deter the woman from again coming on the parish.

Mr. *Wolryche Whitmore* objected altogether to the Amendment of the hon. Member. The Bastardy-laws, as they had hitherto been administered, were a great cause of immorality, and the most effectual check to it would be to discontinue the relief to the woman. As to the amount which was paid to parishes by the reputed fathers of illegitimate children, all he would say was, that the expenses of getting at the father and making him pay any thing were often more than was received from him, so that in fact the parishes gained but little in this way. He hoped the clause would be allowed to stand as it was originally.

Sir *Henry Willoughby* said, that he was anxious to draw the attention of the noble Lord to an important question. The proviso enacted, that no woman shall have any claim, title, or interest to any pecuniary indemnity on account of an illegitimate child. He would not discuss the principle of the economists as acted upon in the Bill. He understood it to be the new theory, that women were to be alone liable to all the consequences of having an illegitimate child. The principle might be wise; but was the noble Lord prepared to say, that there were no exceptions to this rule? It was his opinion that, especially in towns, the great mass of women were led astray by men from age and experience most likely to practise unfairly on a young woman. Would the noble Lord or the Committee contend that in such cases the woman should have no remedy? The law giving a claim was repealed—was there to be no substitute in cases of unfair dealing when the relative ages of the parties or any clear facts would go to establish that the woman had been unjustly dealt with? The noble Lord seemed to think the higher and the lower classes were on a par. That was not the case. The rich father might obtain damages (*per quod servitium amisit*) from a wrong doer; but how was a poor woman or a poor father to enter a Court of Law? It would cost at least 100*l.* in the country to maintain such an action, and thus a woman suffering under a grievous wrong would be without a remedy. The Committee could not be justified in passing a law repealing former securities, and establishing no new ones. He limited his observations to cases of unfair dealing, and he contended the noble Lord was bound to afford such injured women an easy and effective tribunal to redress their wrongs, which no one would attempt to deny.

Lord *Althorp* said, that as he saw that the opinion of the House was in favour of agreeing to this clause in its amended shape, he should offer no further opposition to it. He supported it, however, as matter of expediency, in consequence of the excitement which had been raised against it in the parishes; but he must state that, upon strict principle, he could not at all agree with its propriety.

Mr. *Grote* wished it to be understood, that if the noble Lord was willing to admit the clause, he made the concession to public feeling rather than to reason or argument. He did not consider the clause as an improvement in the Bill.

The House divided—Ayes 114; Noes 39; Majority 75.

The clause proposed by Mr. Miles, with Amendments was added to the Bill.

List of the NOES.

Aglionby, H. A.
Astley, Sir J.
Baring, W. B.
Bouverie, Captain
Buller, C.
Calvert, N.
Dashwood, G. W.
Divett, E.
Evans, W.
Evans, G.
Ewart, W.
Fazakerley, J.
Fitzroy, Lord C.
Folkes, Sir W.
Fort, J.
Goring, H. D.
Grote, G.
Heron, Sir R.
Hornby, E. G.
Lloyd, J. H.
Locke, W.
Martin, J.
Parrott, J.
Romilly, E.
Rooper, J. B.
Ryle, J.
Seale, Colonel
Shepherd, T.
Skipwith, Sir G.
Stewart, E.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Throckmorton, A. G.
Todd, R.
Trelawney, Sir W.
Wedgwood, J. W.
Whitmore, W.
Wilbrahim, G.

TELLER.

Peter, W.

Lord *Althorp* proposed a new clause to the effect that no rules or by-laws made or sanctioned by commissioners should be such as to oblige the inmates of a workhouse to attend any religious service that they did not conscientiously believe in; or to oblige the children in a workhouse to be educated in any faith that their parents did not approve of, and that the ministers of all religious persuasions should be at liberty to visit workhouses at any period of the day, at the request of any of the inmates, for the purpose of affording them religious instruction. The noble Lord said, he thought this new clause would meet all the purposes which the Amendment that the hon. Member (Mr. Langdale) had proposed was intended to accomplish. With regard to orphan children, he believed it would be admitted that it would be most desirable to educate them in the religious principles of the Established Church of the country.

Mr. *Langdale*, though he considered that this clause did not go far enough, would not press his Amendment.

The Clause was agreed to.

The other postponed Clauses were agreed to or struck out.

The House resumed, and the Report was brought up and agreed to.

On the Motion of Lord Althorp, the Bill was recommitted *pro formâ*, that the several Clauses and Amendments might be printed, and the Report was ordered to be taken into further consideration on a future day.

HOUSE OF LORDS,

Monday, June 23, 1834.

MINUTES.] Petitions presented. By the Duke of WELLINGTON, the Marquess of DOWNSHIRE, and Lord ELLENBOROUGH, from four Places,—for Protection to the Established Church, and against the Separation of Church and State.—By the latter, from the North Riding of York, for a different Law concerning the Collection of County Rates.—By the Bishop of CHESTER, from three Places, for the Better Observance of the Sabbath.—By the Earl of ROSEBERY, from Glasgow and Renfrew, in favour of the two Bills respecting Entails (Scotland).—By the Earl of RADNOR, from two Places, for Relief to the Dissenters.—By the Dukes of CUMBERLAND and WELLINGTON, Earls HAREWOOD and ELDON, and Lords ROLLE and LYNDHURST, from a Number of Places,—for Protection to the Established Church, against the Claims of the Dissenters, and against the Separation of Church and State.—By Lords KENYON and ROLLE, from several Places, to the same effect.—By Lord DENMAN, from Debtors confined in the King's Bench Prison, for Abolishing Imprisonment for Debt.

ANNANDALE PEERAGE.] The Duke of *Hamilton* presented a petition from Sir Frederick Johnstone, relative to his claims to the Annandale Peerage. He prayed for one month's delay, in order to make out his case. The noble Duke, in support of the petition, went into a long and detailed statement of the pedigree of Sir Frederick Johnstone, in order to show that he was entitled to the indulgent consideration of the House. The noble Duke, who said he had not the slightest connexion with the parties, concluded by moving that the petitioner might have a month's notice to bring on his case in due form.

The *Lord Chancellor* objected to any delay. The case had been fully argued before the Committee of Privileges, and the petitioner had had sufficient time to bring up his evidence. If the Motion were agreed to, the consequence would be almost endless delay and expense, which would be a great injustice to the other party.

Lord Wynford supported the Motion.

Lord *Melville* contended, that after the many years the question had been before the House, their Lordships were bound to refuse any demand which might cause further delay.

The Earl of *Eldon* said, the claimant ought to be called to the Bar of the House, and state why he had not appeared before.

Their Lordships divided—Contents 27; Not-Contents 42; Majority 15.

DISABILITIES OF THE JEWS.] The Marquess of *Westminster* rose to move the second reading of the Bill for repealing the Civil Disabilities of the Jews. He stated, that he should not have undertaken the task, had not the noble Lord (Lord Bexley) who so ably introduced and advocated this measure in the last Session of Parliament declined to bring it forward. Their Lordships were aware that the object of the Bill was to remove all those Civil Disabilities under which the Jews now laboured, with those exceptions only which were made in the Bill for the relief of the Catholics. It was said, that danger might arise from Jews being allowed to legislate for a country which was strictly and purely Christian; but to him that appeared the extreme of improbability. It was monstrously absurd, to suppose, that the Jews, who were comparatively such a very small portion of our population, could gain anything like an influence in the affairs of this country. The Jews were powerful at the latter end of the reigns of the Pagan, and at the commencement of those of the Christian Emperors; and if they could not retard the progress of Christianity when it was in its infancy, was it likely they could do so in its maturity? To believe this possible, their Lordships must have a very poor opinion of the present strength of Christianity. He was quite unable to understand what was meant by its being said, that Christianity was part and parcel of the law of the land; it was at best a very mysterious doctrine. But he considered this question as important in a constitutional point of view, and very important as a question of religious toleration. He had never quarrelled with any man for his religious opinions; he hoped he never should, and he had a right, therefore, to expect that no man would quarrel with him for his. He had always felt strongly, and expressed himself in the highest terms of the moral conduct of the Jews in this country. The noble Marquess read a letter from Chief Rabbi Hirschel, directed to Mr. Goldsmid, stating, that any attempt at making proselytes to their religion was quite contrary to the principles of the Jews. It had been said, that the Jews were not anxious for the repeal of the Civil Disabilities under which they laboured; but that he distinctly denied, on the evidence of a great number of petitions. By emancipating the Jews, there would be a fairer opportunity of making them Christians, than there was as long as they were insulted by exclusions It would at all events enable the contending parties to come amicably to a discussion of the important question, and he had no misgivings as to the result. Another objection which had been started was, that being in expectation of shortly returning to Palestine, they could not be expected to identify themselves with the interests of the nation. The sacred writers had taught them emphatically to seek the good of the city or nation among whom they dwelt; and it was very well known, that the Jews now contributed largely to several of our charities. In the countries in which the Jews had been put in possession of their just rights, they had never abused them. In France, in Holland, and in Jamaica, (a slave colony of England setting her a bright example), they had been admitted to public stations, and had conducted themselves well. As a proof that the general opinion of this country had greatly changed in their favour, he need only mention, that although last year a number of petitions had been presented against removing the Civil Disabilities of the Jews, there was not one petition of that nature on their Lordships' Table at the present moment. The noble Marquess concluded by submitting his Motion to the House.

The Earl of *Malmesbury* was opposed to the measure, both from two scruples which he entertained respecting it, and from the inconveniences of a formidable nature which he was persuaded would result from its adoption. His scruples were of a religious kind. In the first place, he thought it would be a very extraordinary spectacle if the people of a Christian country like this were placed in a situation in which it would be very probable that they would have to look up to and receive the law from persons who considered their religion an imposture. England was a Christian country; it contained a variety of sects; but still they were all Christians; and it was quite impossible that they could entertain such feelings towards one another as they must all of them entertain towards Jews. His second scruple was, that Christianity was confirmed by the present condition of the Jewish people. By the hand of Providence they were deprived of a home, and were rendered strangers in the land. Wherever they had obtained any footing, the result had been disastrous. No man who had travelled through Poland, where the Jews were in possession of nearly all the land, but must acknowledge that he had never seen a more wretched country. The Jews never laboured. They had in them no principle of bodily industry. They were never seen wielding the flail, or mounting the ladder with the hod. At present, they were perfectly protected in this country. To that protection he was quite willing to allow they were entitled, but he would give them nothing more. He now came to the inconveniences which would result from admitting them to a full participation in the civil rights of the English people. Possessing those rights, it would not be improbable that men of talent among the Jews would be able to obtain seats, if not in that, at least in the other House of Parliament. Would there not be a manifest inconvenience in the Members of the Legislature having two Sabbaths? They had witnessed the introduction of several Bills for the better regulation of the Sabbath. He was not friendly to those measures. He thought it much better to leave the matter to the consciences of individuals. But he could not be insensible to the inconvenience of a Legislature, the Members of which would have two distinct Sabbaths. The result might be, that not any Sabbath would be observed. If Parliament acquiesced in this Bill, why not go further? If they admitted a Jew to a full participation of civil rights, why not admit a Mahometan, or a Chinese? Where were they to stop? Upon all these grounds he should move, as an Amendment to the original proposition, that the Bill be read a second time that day six months.

The Earl of *Winchilsea* seconded the Amendment, and he did so the more readily because he was convinced that the Jews were indifferent to the redress which the Bill professed to hold out to them. He opposed it, too, because he was convinced, that the question had been originally agitated by a set of persons who considered the present condition of the Jews as a stumbling block to the infidel opponents of the Christian religion. If the Bill were adopted, what confidence could a Christian people have in the Legislature? Had an attempt been made to lay their heads together for the purpose of insulting their God, he did not think that a more effective method of attaining that end could have been devised. What! admit into a full participation of civil rights the individuals who scorned and despised that God on whom their Lordships daily called for protection and counsel! If the Jews suffered any disabilities affecting their property, no man would be more ready than he to afford them every protection on that point. But there was no law which affected their interests in that respect. They received protection in whatever course of life, agricultural, commercial, or manufacturing, they might think proper to engage. It was highly proper that they should do so. But it was a very different thing when their Lordships were called upon to open the doors of Parliament to the Jews; and he could not help suspecting that on this point a number of persons, for whom he entertained the greatest respect, had been made the instruments of a set of individuals whose ulterior views they were far from suspecting.

Lord *Bexley* said, that his opinion of the expediency of granting the prayers of the Jews remained unaltered; but he was afraid that by the measure having been brought so soon again under the consideration of Parliament, it was not so likely to meet with success as if some time had been allowed to intervene. An apprehension of that kind made him decline the task of bringing it forward, but as it was before their Lordships, it should have his support.

The Archbishop of *Canterbury* regretted, that the Bill had been brought forward at the present period, for he had hoped that the decisive opinion which the House had pronounced upon a similar measure in the last Session, would have set the question at rest for some years. His regret was not founded on the same grounds as that felt by his noble friend who had just spoken, for he did not believe that the proposition was one in which their Lordships would ever be disposed to acquiesce. His objections to it were very much the same as those which had been urged by the noble Earl who had moved the Amendment, and the noble Earl by whom that Amendment had been supported. He had the strongest religious scruples against the admission of Jews into Christian legislation. Both that and the other House of Parliament would be degraded in the eyes of the country, if there were among their Members persons who were avowedly not Christians. Persons who were not Christians (he did not say Jews alone) were surely unfit to be members of the Legislature called upon to enact laws for a country whose whole system was Christian. Every act of the Legislature of this country ought to be regulated by Christian principles. Whatever might be said in favour of the Jews in other respects, it was impossible that they could understand the Christian faith. He trusted, therefore, that their Lordships would see no reason to alter the decision to which they had come in the last Session. They had removed the restrictions on the Catholics, and therefore the Legislature was no longer a Protestant Legislature. But that was no reason why they should go further, and, by agreeing to the present Bill, render the Legislature no longer a Christian Legislature. In fact it would induce so essential an alteration in the character of the Constitution, that it would no longer be the Christian Legislature of a Christian country. When they considered that, by passing this Act, they might admit into the Legislature persons who not only conscientiously disbelieved the Christian religion, but whose belief implied a charge of imposture against the blessed Founder of that religion, he did not see how it was possible to prevent what they must consider as blasphemy, from being heard within the walls of the House. When they could not prevent the Roman Catholic from declaring in Parliament his belief of the superior purity of his religion, how could they prevent a Jew from speaking of Christianity according to his sentiments? In his opinion the character of the Legislature formed the character of the country, and how could they hope to preserve the Christian character of the country, if they admitted amongst its rulers an admixture of persons hostile to Christianity? He knew that such observations might be considered as the result of bigotry, and he might be deemed guilty of gross superstition in saying—but it was his conscientious belief—that the blessings of Divine Providence had been bestowed upon this country as a Christian country, and he should be apprehensive lest those blessings should be withdrawn when the country ceased to retain that character. He knew that he shared this sentiment with many excellent men, and it was his own conscientious belief. But even if that were not the case, he thought their Lordships ought not to venture upon so dangerous an experiment. What reasons had been given for it? The noble Lord who spoke last, had not added anything to the arguments which he advanced last year; nor had the noble Marquess, in introducing the Bill, answered any one of the objections that the noble Lord then encountered, and which were too much for him. On what ground, then, were their Lordships called on to pass this Bill? How could they justify such a measure? On the ground of justice—on the ground of right? If on either of these grounds, then, of course, there was an end of the question. But he should like to know where any such right was to be found? Where did it exist? In the law of the land? In Parliamentary usage, or in the law of reason? On what possible ground could any man, not being a Christian, claim a voice in a Christian assembly, making laws for the regulation of a national and Christian Church? He saw no justice in such a claim. But again, where was the advantage? When the repeal of the Test and Corporation Acts was urged upon them, the advantage which they proposed to themselves, was the restoration of harmony amongst the different denominations of Christians in this country, and for that and other reasons the House consented to that measure; but the principal reason which induced them to pass that Bill, as well as the Catholic Relief Bill, was to put an end to dissensions and complaints calculated to endanger the peace and harmony of the nation. Whether these measures had produced the effects anticipated he could not say; but such were the reasons assigned, and with a certain degree of probability. But in what way the Jews had shown any disposition to resist the continuance of this alleged grievance he knew not. They had not, that he was aware, evinced any disposition to disturb the peace of the country. There was no danger which their Lordships could avert by such concession, nor did he see anything that could be gained by it. The Jews were a useful class of citizens, usually occupying themselves in money-getting callings. He was far from availing himself of that circumstance as an objection, for as for their being a money-getting people, he believed they had that propensity in common with many Christians. The very circumstance of their prosperity, showed that no concession was required to increase it. What advantages could they gain from concession which they did not already possess? But it was to the principle of the measure he objected. There was not likely to be any great danger of a large influx of Jews into the House, even if they passed the Bill. A Jew was not likely to stand in high favour with a Christian constituency, and it was almost a matter of doubt whether any Jew would gain admission to the House. With respect to the Jews themselves, therefore, the measure would be illusive. What good did the Jews expect to accomplish by this Bill? Did they labour under any oppression? Were they subject to any prohibitions? Were they compelled to direct their industry in any particular way? Were they confined to any particular quarter, forbidden to leave their houses after certain hours? Or subject to any other of the oppressions which were practised upon them in ancient times in this country, and still were in some parts of the Continent? No; they were as safe under the protection of an exclusively Christian Parliament, as they could possibly become if they had in it a few representatives of their own religion. He believed, notwithstanding what had been said, and the petitions presented, that the greater portion of the Jews were perfectly indifferent about the Bill. He knew that some of them were decidedly hostile to the measure, and sincerely deprecated it from conscientious reasons. Under all these circumstances then, and especially when the Jews were by no means unanimous amongst themselves, he thought their Lordships would do much better to leave them as they were—in the quiet pursuit of those occupations which they had chosen for themselves, under the protection of that Providence which was still extended over them, and under the protection of equal and impartial laws: allow them to take their own course, in silent expectation of the further development of the very peculiar destinies to which they looked forward with hope, and which must be regarded with the deepest interest by every considerate Christian. If their Lordships did not take this course, they would run the risk of being held to show a disregard for the religion they professed, and of offering an affront to its divine Founder; whereas, by rejecting this measure, they would, he believed, cause disappointment to but very few individuals, who were actuated merely by ambition—innocent perhaps, but which by many of their fellow religionists was regarded as inconsistent with the principles of their belief. The word emancipation was in this instance most improperly applied: it conveyed the idea of slavery; whereas the Jews had no greater disabilities to complain of, than the great body of the clergy of this country, who, by a particular Act of Parliament, were excluded from a seat in the other House of Legislature. It was unnecessary for him to say more than that he entirely concurred in the Amendment.

The Earl of *Radnor* said, the right reverend Prelate had asked what good the Bill would do? He would tell him. The right reverend Prelate had plumed himself strongly upon the fact that the Jews were not numerous; that they had not—and could not assume a formidable attitude, and therefore the House would incur no danger from not acceding to their claims. If, therefore, they were a large body of men, very troublesome, very turbulent, very anxious to get these things, and were possessed of sufficient power to do a great deal of mischief, then, according to the right reverend Prelate, it would be wise in the House to take their claims into favourable consideration. But because they were, for the number, good subjects, quiet, and not constantly agitating and importuning the Legislature, the right reverend Prelate calls out *cui bono*—what good shall we get by giving them this? Was not this offering a premium upon disturbance and agitation? Was not this declaring that their Lordships were to be influenced only by fear? He would tell the House, he would tell the right reverend Prelate, what good they would do. They would do justice. The Jews were loyal, and admitted subjects of this realm—admitted to certain rights—having certain duties imposed upon them. He would, therefore, give them all the privileges possessed by other natural-born subjects of his Majesty; and this he would do, not for the sake of insulting the author of our religion (he trusted he was as little likely to be actuated by such a notion as the right reverend Prelate himself), but in compliance with the doctrine laid down by that author of Christianity, not to Christians merely but to all mankind. When the right reverend Prelate talked of insulting our religion by giving peculiar advantages, he must say, that he understood that religion in a very different sense. He had read the parable of the good Samaritan, and it had taught him far otherwise than to persecute a Jew. The Jews were never more hated or persecuted by Christians than the Samaritans were hated and persecuted by the Jews. Yet our Saviour praised the example, not of the Jew but of the Samaritan, and said unto his followers, "Go and do thou likewise." He would give full credit to the scruples of his noble friend, on the other side of the House, who spoke second in the debate; but, for his part, he could entertain no such scruples. It was said, that we were a Christian community, and, therefore, could not admit the Jews; but should we be less a Christian community if we did admit them? Would he be the less a Christian? Would any man, who understood what Christianity was, and whose faith was founded on his own reflection and judgment, be less a Christian because Jews were admitted into the community? Were the Babylonians less Pagans because Daniel and other Jews were high in office amongst them? Again, it was urged as an objection against admitting the Jews into Parliament, that they were a standing miracle. But would they be less a standing miracle by being so admitted? Did Providence want any assistance from Parliament in order to work out its great and mysterious designs with respect to that people? He was disposed to look on this as a religious question, if noble Lords would so have it, and he would vote for this Bill on that ground; and if it were the will of Providence that this people should remain for a time a standing miracle to the rest of mankind, they would not be the less so for any civil regulations which we might make with respect to them. But then he had urged the very popular objection, that Christianity was a part and parcel of the law of the land. He would admit, that there were many things relating to our religious worship and Christian observance which were embodied in Acts of Parliament; but it did not follow that all our legislative enactments were founded on Christianity. As well might we say, that our standard of currency, or the regulations respecting our army and navy, were founded on, or were a part of, Christianity, as to say, that an Act of this kind would be inconsistent with Christian principles. The argument reminded him of an anecdote during our dispute with our American colonies before the war. A Gentleman who had heard the complaints of the Americans of being taxed without representation often urged, said, that the complaints were utterly groundless, that the American Colonies were supposed to be part and parcel of the parish of Greenwich, in Kent; and, as to representation, they were fully represented by the knights of the shire of that county. In much the same sense we might say, that our laws were part and parcel of Christianity, or that Christianity was part and parcel of our laws. But it was said, that we should not admit the Jews to any eligibility to our Legislature, because they would then have a voice in matters relating to a religion in which they did not believe; but at present they had, in fact, a voice in matters relating to religion. Jews were allowed to serve in many parochial and other offices; they served as overseers, and by the decision of a noble and learned Lord opposite, Jews had been admitted to vote in the choice of a Vicar of the Protestant Church. Poland had been referred to, and it had been said, that Poland suffered greatly from Jews; in short, that it was completely Jew-ridden, they having mortgages of all the principal properties. But if it were meant to insinuate that we were Jew-ridden, would this Bill make us less so? Would it be the means of Jews getting more mortgages over the land? No doubt, many lands were mortgaged to Jews at this moment; but he did not see how this Bill would offend either mortgager or mortgagee. He would support the Bill, not either to disgrace or insult the Saviour, but in order practically to evince his obedience to the Divine command of "doing unto others as you would they should do unto you," and to show "charity to all mankind."

The Earl of *Malmesbury* explained. He begged not to be understood as guilty of the presumption of wishing to struggle with the ways of Providence.

The Archbishop of *Canterbury* wished to set himself right with the House. It was not because there was no danger merely that he opposed the Bill. He said, that if the concessions were founded in justice, then all opposition was at an end; and then, having disposed of the question of justice, he proceeded to combat that of expediency.

The Marquess of *Westmeath*, in voting against this Bill, disclaimed anything like a desire to persecute the Jews. He hoped he had as much Christian charity as the noble Lord opposite, but he did not see that Christian charity towards the Jews called on them to unchristianize the Legislature.

The Marquess of *Westminster* briefly replied:—Some of the inconveniences that had been alluded to had been experienced in Jamaica and Canada, where Jews were admitted to the highest offices.

The House divided on the original question: Contents (present 24; proxies 14) 38. Not-contents (present 80; proxies 50) 130—Majority 92.

Bill put off for six months.

HOUSE OF COMMONS,

Monday, June 23, 1834.

MINUTES.] Bills. Read a second time:—Registration of Voters.—Read a third time:—Greenwich Hospital.

Petitions presented. By Sir ROBERT FERGUSON, from Kirkaldy, in favour of the Bankrupts (Scotland) Bill; from Scoonie, for Protection to the Church of Scotland.—By Sir ROBERT INGLIS, from one Place, against the Claims of the Dissenters; from several Places, against the Separation of Church and State.—By the same, Messrs. BELL, STANLEY, BEAUMONT, Sir STEPHEN GLYNNE, Lord WATERPARK, Sir ROBERT PEEL, and Colonel HANMER, from a Number of Places,—for Protection to the Church of England.—By Sir H. PARNELL, from Dundee, against the Corn Laws.—By Mr. RUTHVEN, from Dublin, against the Irish Church Establishment, for the total Abolition of Tithes, and for the Repeal of the Union.—By Mr. FERGUSSON, from Mortlock, for Protection to the Church of Scotland.—By Mr. HARLAND, from Durham, against the Church Rates Bill.—By Mr. HUGHES HUGHES, from one Place, against the Admission of Dissenters to the Universities.——By Mr. MILES, from four Places, against the Claims of the Dissenters.—By Sir JACOB ASTLEY, from Holt, for altering the Sale of Beer Act.—By Sir EDWARD KNATCHBULL, Sir HENRY HARDINGE, Sir JOHN TYRELL, Sir ROBERT PEEL, Mr. HODGES, and Mr. MILES, from a Number of Places,—against the Separation of Church and State.—By Mr. MORE O'FERRALL, from Monaghan, for extending the Lord's Day Observance Bill to Ireland.—By Mr. J. OSWALD, from Glasgow, for the Repeal of the Law of Entail; also, for Removing the Civil Disabilities of the Jews; also for the Repeal of the Duty on Cotton Wool.—By Mr. W. ROCHE, from three Places, for the Repeal of the Union.—By the same, Mr. WALKER, Mr. DOBBIN, and Mr. MORE O'FERRALL, from a Number of Places,—for the total Abolition of Tithes.—By Sir F. BLAKE, from the Baptists of Ford Forge, for Relief to the Dissenters.

TITHES (IRELAND).] On the Motion of Mr. Littleton the Tithes (Ireland) Bill was ordered to be recommitted.

On the Motion that the Speaker leave the Chair.

Mr. *Littleton* said, that on making that Motion he felt that the House would expect from him a brief explanation of the alterations which it was now proposed to make in the Committee on this measure. He had on a former occasion stated, that he should move that this Bill be recommitted *pro forma*, in order that the Amendments which he intended to propose, should be inserted in the Bill, and then printed. He now found, that those Amendments required omissions rather than insertions to be made in the Bill. He should not, therefore, require the Bill to be committed in order to be reprinted, especially as the reprinting would occasion delay, which at this period of the Session it was advisable to avoid. The principal alterations in the measure suggested by Government had been already under the notice of the House. They consisted of the omission of that part of the measure which invested the revenue of the Church in land, and consequently of the redemption Clauses. The composition would, on the passing of this Act, be converted into a land-tax payable to the Crown, and that land-tax would be collected by the Crown in the same amounts and from the same parties who were now liable for the composition. This would continue for five years. The reasons why that period was deemed the most eligible he had stated upon a former occasion, and they were simply these—that some period was necessary to enable the Government to give to the land-tax that value and stability which it did not possess in the character of composition. Another reason was, that five years would be required for the recovery of the annual instalments of one-fifth of the sums advanced to the tithe-owners under the Act of last Session. The amount so collected would be paid to the tithe-owners, subject to a deduction of 15 per cent to cover the expenses of collecting. At the end of five years it was proposed that four-fifths of the land-tax be converted into a rent-charge to be imposed on the owners of estates of inheritance. Such parties were to have the power of recovering it from their tenants and subtenants, and all who were primarily liable under the existing law of composition. The amount of these rent-charges so collected by the Crown were to be paid to the tithe-owner, subject to a further deduction of 2½ per cent for the expense of collection. There was another alteration, however, which he must mention. In the measure which he had first submitted to the House, it was proposed that any parties now liable to the composition, or, after the passing of this Act, to the land-tax, who should voluntarily make a payment in commutation of their liability within an assigned period at certain given places, should be allowed a certain amount of discount. It was in the breast of the House to decide what the amount of that discount should be. Government, under the assumption that these voluntary payments would be neither very large nor very numerous, thought that it might safely allow to those who made them the full amount of 15 per cent. That was however a subject for further consideration. It was also proposed that any person having an estate of inheritance should incur the rent-charge sooner, if he thought fit. The reasons which induced Government to think, that it would be better to omit the Clauses which sanctioned the investments in land, were the almost universal representations which were made by those who were its firmest supporters, not only in Ireland but also in that House, that the amount would be so excessive as to be injurious to the country, and that it would lead to a great increase in the political influence of the Church. If the House should think, that a rent-charge of four-fifths the amount of tithes might be imposed without having recourse to an investiture in land, that would answer every purpose, for it would secure the clergy an income of such an amount as, considering its improved value, might be sufficient, and which they could not otherwise obtain In addition to those alterations, it was intended to insert a provision giving a right of appeal against the valuation of the amount of tithe composition in certain cases which seemed to require such a provision and under certain restrictions as to its exercise. He had stated on a former occasion, and was ready to repeat, that he fully believed the Commissioners, as a body, had discharged their duty with strict integrity and a remarkable degree of judgment. However, there might be exceptions, and in particular cases great inconvenience, and possibly some injustice, might have resulted from various causes to certain parties. The Acts of Parliament under which the valuation was made might have imposed the necessity of such occurrences in peculiar cases without any fault of the Commissioners. With a view to such cases, it was his intention to propose a Clause which would entitle parties to an appeal. He thought it would be admitted that individuals might be so circumstanced as to entitle them to the consideration of Parliament. In reference to the right of appeal, he would merely state that it was proposed, in any parish where seven rate-payers to the amount of not less than 20*s.* each, should send to the Commissioners of land revenue a memorial stating their grounds of appeal, the Lord-lieutenant should be empowered to direct three Barristers to constitute a Court for the purpose of revising the amount of composition. The limitations were very numerous, and not only the grounds of appeal were restricted by express stipulations which the House would be called on to enact, but other regulations were proposed, which, however, it was not now necessary for him to dwell upon, as the provisions would so soon be in Gentlemen's hands. Having made this brief statement of the alterations which he proposed in the measure, he would move, that the Speaker do now leave the Chair.

Mr. *O'Connell* was sorry to obtrude himself on the attention of the House at so early a stage of the debate, especially as the right hon. Gentleman had thought fit to open so little of the merits or demerits of the measure under consideration.

Mr. *Littleton* begged the hon. Gentleman's pardon; perhaps he might be permitted to state one thing which he had omitted to mention, namely, that appeals would be granted under the liability of the parties appealing to pay costs, in order to prevent frivolous appeals.

Mr. *O'Connell* resumed.—The right hon. Gentleman's alterations related only to minor details; of course, therefore, he (Mr. O'Connell) could not vary the course of which he had given notice, and in which he felt bound to persevere. He would not enter into the details of the Bill more than he could possibly help, and still less should he attempt to discuss, except to the extent of two or three words, what had lately fallen from the right hon. Gentleman. It was manifest that the right hon. Gentleman did not mean to abide by the present valuation, inasmuch as the amount of compensation fixed by the Commissioners was to be liable to investigation, with due precautions, calculated neither to exclude just claims, nor encourage frivolous or vexatious appeals. This was perfectly fair, and Irishmen required no more on this point. They were quite ready to consent to every precaution to prevent appeals being rendered instruments of annoyance to any party. Certainly it might be considered as matter of consolation to Irish Members and the people, that the Government saw the propriety of affording an investigation where it was absolutely required by the justice of the case. He passed by this alteration with approbation of its principle, and an expression of hope that the details would be found suited to useful purposes. He came now to the measure itself. What was its real principle. It consisted in this —that for the first time in the history of these countries, the Crown was to become the great tithe-owner, the King was to be placed in a new position,—the Church was to disappear in the collection of tithes, and his Majesty was to take its place, through the Attorney General, acting, not as a spiritual functionary, but as pecuniary head of the Church. Bishops, Deans, Rectors, and Vicars, were all to disappear, and tithes were to be extinguished in name and nature, and something else of a different kind was to be substituted. The course proposed was any thing but satisfactory. The first thing the Irish people required was, that the burthens of the people should be lightened. Was that the case? Not at all. What mattered it, whether the tithe collector was the Church, or the King, or the Attorney General, or the Commissioners of Woods and Forests? What was the use of changing names? What occasion was there for making a great and extensive experiment for the purpose of altering titles, and mystifying the people with words? That was neither wise nor statesmanlike. It was mere dictionary science. Tithes were to be called land-tax—the Church was to be represented by the King—in short, there was to be another edition of Johnson's Dictionary, with new definitions of words. That was all the good to be got from the measure. What was the mischief? For the next five years, there was to be no mitigation or diminution of the burthen. Why, then, change its name? Simply because Ireland was disgusted with the name of tithes, and the people had adopted a sullen, dogged determination not to pay them. Having persevered for more than seventy years, in a vain attempt to collect tithes against the inclination of the people, the people had every year become more and more resolved not to pay them, and now they were, in fact, at an end. What was the consequence of the attempts to collect, and of the refusal to pay, tithes? They had last year disturbances,—they had still a few agrarian disturbances,—and he did not know, that they would ever be without them, so long as the present system continued. To increase those disturbances, they declared war against the Irish people. They took down the ensign of the Church, and raised the royal standard. They should not raise that standard as a black flag, with *væ victis* inscribed on it, and war to extermination. But they did. They were now making the Government turn out to levy tithes or land-tax, call it what they pleased. Horse, foot, artillery, and marines, were to be employed to help to levy it. Was this in aid of the Church. They had done enough in that way already. Before the Reformation, there were no statutes for the collection of tithes, yet tithes were always collected without difficulty. In the reign of Henry 8th, three Acts were passed for the levying of tithes, from that period to the Union thirty-one, and from the Union to the present time, eleven. Here was a total of forty-five statutes to enforce tithes, which, at the end, were not so well paid as when there existed no statute upon the subject at all. Why were tithes paid before statutes had been passed on the subject? Because there was a union between the people and the clergy. The people got value for their tithes, and the clergy only received the wages of labour. Was that the case now? They had appointed a commission to ascertain it—a commission which would report, God knew when, if ever—a roving, cruising commission, which, he repeated, would report God knew when or what. Did any person want a commission for that purpose? Was it not known already, that the mass of the people of Ireland received no benefit from the Established Church, and that for seventy years, a servile war, only interrupted by short periods of dull and sullen repose, had raged against tithes? He did not like to enter into such topics—he did not like to revive religious feuds, and feelings of anti-Christian hatred; but he must say, that the cause which stained with blood the annals of Ireland was to be found in the attempt to enforce the payment of tithes, and the privileges of the Established Church, in spite of the feelings of the people. For the purposes of this argument, let him conceive, that the Protestant religion was better than the Catholic (of course he did not believe it to be so, or he would become a Protestant to-morrow), and then, taking the matter historically, let him ask those who must wish to make Ireland an active and strengthening portion of the empire—let him ask those to look at the effects which the Established Church had produced in that country—a church begotten in violence, nursed in blood, fed with the miseries and the tears of the people, and productive of discontents and struggles for a period of 300 years. Why was the Treaty of Limerick violated?—But he would not enter into such details. Let it be supposed, that the Irish were stamped with absurdity, incapable of reasoning, and the victims of juggling priests—let all this be granted, still he had the fact, that the struggle in favour of the Established Church had convulsed the country; and knowing that, he implored the sound and rational portion of the English and Scotch Members, to take into consideration the state of the Irish Church, with a view to terminate the struggle for predominance, and the scramble for property, and to offer something to the people of Ireland in the shape of conciliation. When this subject was before the House on a former occasion, it commenced with a scene of recrimination between the late Secretary for the Colonies and himself. He was ready to take the blame entirely on himself, and he only now alluded to it for the purpose of reminding the House, that at the close of the discussion, he threw aside every unpleasant feeling, and cast himself upon the House, with a view to obtain some measure of conciliation for Ireland. He told them then, and he now repeated, that after the defeat of the Repeal question by so overwhelming a majority, the Legislature stood pledged to listen to the just complaints of Ireland, and to give practical relief and redress of grievances. He reminded them of the declaration of the Cabinet Minister, for which no man was more grateful than himself, that tithes were a subject of just complaint. He then threw himself on the House, and implored it to join in that declaration, and carry it into practical effect. He called for a diminution of the amount to be levied as tithes, with a view to the relief of the people. Had Ministers responded to that call? Was there one word about diminution at present in the Bill? Not a single word. Five years were to elapse before a single farthing was to be lessened. Ireland was in a political fever; and what did they propose in the way of a remedy, or mitigation, for five years? Nothing whatsoever. They postponed all change for that period, and proposed to levy the full amount by the exercise of the entire power of the State. He had offered a plan to the House which was suggested to him by an hon. Member, with a view to a reduction in the amount of tithes; but the King's Ministers totally rejected the plan. There was to be no reduction. Alas! a feud had arisen in Ireland, and discontent was excited there, as if we were disposed to betray the national cause, by allowing the existence of tithe in any shape. This showed the feeling prevalent in Ireland. They might say the agitators were to blame. Not so. A political volcano existed in the soil; the flame was not excited by the breath of agitators, the superincumbent pressure gave it force, and in the convulsion, the elements of social order were scattered to the winds. Whose was the error?—whose the fault? The hon. and learned Gentleman proceeded to say, that he did not think the landlords were to get any bonus by this Bill. He did not think, that they ought to be ill-treated by Government, and converted into tithe proctors. He wanted nothing for the landlords but that they should not be placed in a worse situation than heretofore. He could assure the House, that the people of Ireland had been but too much and too long aggrieved,—they were now determined to be satisfied. But the Government gave not even a present reduction of the obnoxious burthen. Was not this a time to throw oil on the troubled waters, to mitigate political asperities, to quiet and tranquillize the people? Was any attempt of this kind made? No; the Government did nothing. Good God! was there ever such insanity? Five years was a century in the future history of Ireland. Nations now reckoned, not by ages, but by days, weeks, and months. Talk of a reduction five years hence! Prophecy something about the millennium, and he would listen as attentively. Five years hence! Why, you might as well say, that in the year 2,500 of the Christian era, something might happen to Ireland. The right hon. Gentleman's plan was to continue for five years. That was an eternity. Meanwhile, was not the present burthen to be mitigated? No. Was it to be aggravated? Yes. At present, the clergy or tithe-owners could only distrain for their demand; but pass this Bill, and parties could have an extent, seize the land, goods, and body, and break in by open violence on the sanctity of private dwellings by day or night. Oh! that House had the lion's share, and the lion's strength, without the lion's fabled generosity. Let them look at the history of tithes, within their own recollection. In the first year of his late much revered Majesty George 4th, tithe was a claim, not on the land or the landlord, but on the grower of the crop; and if the claim were not enforced against him, the land was free. Tithe could not be levied by distraining on the actual owner. Parties must go into the Ecclesiastical Court; and if the occupier chose, he could give the clergyman notice to come and draw his tithe, and the latter must send persons to do so—no easy matter sometimes—or give the occupier liberal terms. The occupier might say to the tithe-owner, "I am the quietest man in the world, but I live in a troublesome neighbourhood. However, I am ready to count out your tithes, and you may carry them home, if you can; or, if you prefer it, I will pay you the amount at such a time." He must do the clergy the justice to say, that, generally, where they lived on the spot, and managed their own tithes, they were liberal, and seldom had any quarrels with the peasantry. The peasantry in general got excellent terms from the lay-impropriator also. It was the tithe-proctor and tithe-jobber who were most complained of. How did the case stand now, as regarded tithes? The land was liable, a right to distrain was given, an action for debt was also permitted, a civil bill for debt, sweeping all from the land, no matter who occupied it, with one single exception. What was proposed now? All advantages were accumulated for the collection of tithe or land-tax. The Bill made it a Crown process—issued an extent—put a receiver on the property. How would this affect the unfortunate tenant? Were they aware, that in Ireland the nominal was much greater than the real rent-roll, and that when a receiver was appointed under this Bill, he must insist upon the last farthing. What would be the consequence? The links of society would be torn asunder—the receiver would become a rack-rent inquisitor and torturer, who extorted the last farthing from the wretched peasant. According to Chancery practice, abatements were made when the rent was too high, but this Bill would prevent any such thing. If the House were to permit such a Bill to pass, what a despotic power would it give over the landed property of individuals! Talk of a corrupt Parliament! What influence could be equal to a power which enabled the Government to tamper with so many men's estates? The more he looked at the measure, and the more he contrasted the collection of tithes now with the mode of levying them up to the 1st of George 4th, the more he was disgusted, and felt that people ought the more to tremble at the effects of the plan proposed to be adopted and meant to be enforced by the law, the police, the military—in short, by the whole power of the State. If tithes were not regularly paid, what would be the consequence? Every November there would be certificates at the Treasury of the amount which the clergy were to receive. Government must pay that sum—perhaps 500,000*l.*, while it could probably collect only 30,000*l.* Suppose the hon. member for Middlesex were asleep, was there no other economical Member in the House to notice this? Last year 28,000*l.* directly, and more than 30,000*l.* indirectly, was laid out in the shape of wear of military accoutrements and removal of troops, and all for what?—To collect 12,000*l.* Having levied that amount of tithes, the process was found rather expensive, and stopped. Well, would the case be mended under this Bill? There would be 500,000*l.* to pay, and the collections might amount to 30,000*l.*, with the aid of horse, foot, and artillery. The British army would go out pig-hunting one night, blanket-catching another, to collect tithe or Land-tax. They would go on that holy crusade, and come back with the glory and honour of having paid 500,000*l.* and received 30,000*l.* But suppose the whole 500,000*l.* was levied, how would it be effected?—by a war in Ireland—by having skirmishes in every field! Oh, what a service on which to employ our brave troops!—to set our field officers to work, blanket-catching, and make the Attorney-General pig-hunter general to the Irish people! Government must show its imbecility, and be taunted with its weakness, if it took this course. Would they resort to extortion and extermination? That was the situation into which the Bill drove them, for it made the Government tithe-owner general, and enforced the demand without mitigation. He had required a reasonable reduction, and he got nothing for five years. He also said, that a reduction would not do without an appropriation of the surplus. Now, we were neither to have reduction nor appropriation. That was, the black-flag—*væ victis*—was on the people. One duty more he had to perform: if they would not give immediate reduction, at least let them give the people consolation, and afford some satisfaction to their advocates by conceding the question of appropriation. Let them give that, and the Irish Members could venture to wait a little, and call on the people to wait, for the admission would conciliate many; and it would give them such power to persuade and talk distinctly and satisfactorily to the people. It might be said, that he had acted improperly on the last occasion in making a proposal to grant the Catholic clergy glebes and manses. He did not say he was authorised to make that proposition, or that the Catholic priests would be willing to accede to it, but the contrary. He knew, that the Catholic clergy did not wish any such thing, but he had thrown out the suggestion for peace sake; 670 years had elapsed since the connexion between England and Ireland commenced, and peace had never been obtained. Englishmen were still in an adverse country, where the population considered them as strangers and foreigners. Give them one proof of a real union between the countries. Show them, that English, Irish, and Scotch, were the same in the eyes of the House, and it would have a right to taunt those who should afterwards call them Saxons and strangers. For obtaining that peace he made a proposition dangerous to a popular man; he risked much by it, and had suffered somewhat, and he was still ready to risk and lose popularity if he could procure what might reasonably satisfy the country. As he before said, the history of Ireland now counted by the hour; delay had already created suspicion and jealousy, let them put an end to it. Why did the Catholic clergy dislike the idea of taking an adequate and honourable provision for their subsistence from the State? Catholic priests were but men; they were open to the same motives as influenced others, and yet why did they shudder at the notion of obtaining a claim to any portion of the surplus that might be appropriated? Did not this circumstance tell what was labouring in the public mind and show the feelings, not only of the Irish priesthood, but of the Irish peasants and farmers, from whom they derived their support? They would not take that which would be said to have come from the enemy's camp, and which should be devoted to the service of the people. He had told them what was the state of his native country—a state produced by 672 years of oppression and injustice. He now proposed, ventured humbly to suggest, the commencement of something like a system of justice towards his unfortunate country. The Catholic clergy, he would repeat, to a man disclaimed the idea of taking any of the surplus that might remain after the proper wants of the Established Church in Ireland were provided for. Their character, their honour, their safety, would not allow them to touch it. Let any hon. Member this night propose by way of amendment, and in addition to his (Mr. O'Connell's) proposition, that no portion of it should go to the support of the Catholic Church in Ireland. Let him word that amendment in the strongest terms that he pleased, and it should have his most cordial assent. The Catholic clergy would not have a shilling out of those funds. It had been said in another place, that whatever surplus existed, it should be applied to Protestant purposes. He wanted to have it applied to Irish purposes. He was quite ready to adopt the very phraseology adopted by a learned Lord in another place, and to say, that not one farthing of it should be applied to Catholic purposes. His Motion was not intended for any such purpose as the connecting of the Catholic Church of Ireland with the State. He was one of those who thought, that it was upon every ground most desirable to keep a Church divested from a connexion with the State; and he was firmly convinced, that the period was fast approaching when no one Christian sect would be called upon to contribute to the payment of the Ministers of another. If he had, in what he had in the first instance proposed on this subject, deviated from his deeply-founded and well-considered opinion, that there should be no connexion between a Church and the State, let those who now heard him, lightly as they might estimate his political consistency, be assured, that he had made no slight sacrifice on that occasion. His only object in making such a sacrifice was, that the Government might step into the gap which he had thus made in his popularity, and show to the Irish people at large, that the morning of the day had commenced when Ireland was to be treated with the same benevolent attention and protection that were extended to England. In England the Established Church was essentially and substantially the Church of the people. As the Dissenters increased they complained, and he thought justly, of being obliged to contribute to the support of a Church to which they did not belong; but, as yet at least, the Church which got the tithes in England was strictly speaking the Church of the people. They had only to cross an imaginary line—to step over a small stream—and they entered Scotland, where they found a church without Bishops, and with the thirty-nine articles reduced, he did not know exactly to how many; and that Church was the Church of Scotland. Did an episcopalian Church get the tithes in Scotland? No. True it was, that the Government of England attempted to force such a system of injustice on the people of Scotland, and that for fifty years plenty of blood was shed in endeavouring to effect such an object. True it was, also, that during that time there were some Scotch gentlemen (they were not certainly many, they were few) who, forgetting the principles of country and the feelings of patriotism, were ready to aid the English Government in such a wicked attempt. In justice, however, to the people of Scotland, and to the Scottish gentry generally, it must be said, that they stood by their country in that eventful struggle, and might the God of Heaven bless them for having done so! The consequence was, that the people and gentry of Scotland succeeded in their opposition; they spurned the domination which England endeavoured to force on them, as she had forced upon Ireland, and they triumphed in such a glorious cause. They asserted, that the Church of the people should be in Scotland the Church of the State, and that to that Church should belong the tithes of the country. Success crowned their well-fought battle. He did not want to have the religion of the people established in Ireland as the religion of the people was established in Scotland. He did not want that any portion of the tithes should be taken from the clergy of the Established Church in Ireland, in order to be given to any other sect, or any other religion. His view of the matter was this—that, after the interests and wants of the Established Church in Ireland had been reasonably and properly provided for out of those funds, whatever disposable surplus might remain should be applied to purposes of public utility and public charity. They were aware, that they had in Ireland fever hospitals, houses of industry, dispensaries, &c., for the relief and support of the poor. They ought to know, that there was a portion of the poor in Ireland to which they could give relief out of the public funds, without increasing the quantity of the demands on those funds, and without increasing idleness and other bad effects that a Poor-law system might produce. There were the sick, the aged, the halt, the maimed, who were all fit subjects for relief and for medical aid, and in providing for whose wants a portion of this surplus might be properly appropriated. Next came objects of public utility, which, of course, included education. He wanted to have this surplus devoted to the purposes of education, not exclusively Catholic, Protestant, or sectarian. It was needless for him to dwell upon the advantages of education—no declamation could exaggerate its importance. Such was the object of his Motion, such were the purposes to which he wished them to declare that they would apply this surplus. Their doing so would tell the people of Ireland, that they—that the Government—were determined at length to take a step for the better;—that the era had arrived when they would cease to exercise that power and spirit of domination which had characterized all former Governments in Ireland;—that they would no longer persevere in a system which was intended for the undue elevation of a few, while it trampled on the feelings—the prejudices if they pleased—the passions and the feelings of the great majority of the people;—that they had determined in good earnest to begin to put an end to every thing of an exclusive o· a party nature in the Government of that country; and that in future it was to be administered upon a principle that had never yet been tried there—a principle equally just and equally simple—the principle of the general good of the people at large. But why did he say "begin?" Had they not to some extent begun already? Why had they lost the talents of the late right hon. Secretary for the Colonies? They must feel the value and the importance of his talents in their councils. It was not for nothing that they had lost him. The sacrifice was not made upon slight grounds. The right hon. Gentleman adhered to his principle. If they should shrink from declaring their principles now, the right hon. Gentleman having seceded from them on principle, would it not be said, that they were congregated together without having any principle of action? Would it not be said, in such a case, that they had no principle at all, and that they had got rid of the right hon. Gentleman because, being a man of principle, he was not to continue with them who had no principle? He did not mean to say, that such was the case; but he could not prevent others from making the supposition if Ministers would not themselves at once put all doubts on the subject at an end. What would be thought and said of them to-morrow, if they refused to make any declaration on this important subject to-night? Every one who knew the right hon. Gentleman must feel, that he would not have retired from the Government upon slight or trivial grounds. With his talents, and coming from the race he did, he was of course animated with the noble and generous ambition of distinguishing himself in the Government of his country, and no doubt his colleagues would not have got rid of such a man unless an essential difference of opinion had arisen between them. What he wanted, then, was, that, the Government would speak out, that they would show that there was some principle of action by which they were determined to be guided,—that they would not exhibit themselves as if they were neither fish, flesh, nor good red herring. Oh, no, there was principle amongst them: they reckoned in their ranks men of as high character and of as undoubted principle as any in the country. They were all of them English and Scotch gentlemen. Was there any timid shrinking amongst such men from the assertion of their principles? Was cowardice, either moral, political, or personal, ever branded upon any one of them? They stood high—they were bound to do so. Let it not be said to-morrow of them, that they were timid, creeping, crawling creatures, who for the sake of the dirty tenure of place and office had flung from amongst them the only men of principle, while they would not attempt to assert their own. If they did not this night make an explicit pledge on this subject, such a pledge as that contained in the resolution he was about to move, they might depend upon it that such would be the universal public opinion of them to-morrow. He taunted them to the assertion of their principles. The right hon. Gentleman who had seceded from them had no hesitation in asserting his principles. Let Ministers be equally ready to assert theirs, and by doing so restore confidence to the people. Let not the right hon. Gentleman's secession go forth as the tocsin to a certain party, calling them, as they vainly imagined, back to place and power. Ministers had only to be firm and explicit, and they had the people with them. There were some in that House, there were many out of it, speculating already on coming in upon the shoulders of the right hon. Gentleman in a way that he would scorn. The Tory party, both here and in Ireland, was looking forward to its resumption of power, with all its bad Tory principles—to a resumption of all places of power, emolument, and trust, and to the re-establishment of its hated domination throughout the country. Let Ministers but speak out on this subject, and the idle and foolish dreams of that broken party would be dispelled for ever. There were good sense even amongst that party, even in Ireland, and the moment that Ministers acceded to such a resolution as he was about to propose, they would see, that it was vain ever to expect the return of their ill-acquired power. Bigotry in Ireland was an exotic; and it would never have flourished there if it had not been fostered in the hot-bed of British injustice and oppression. It depended on the conduct of Ministers whether the flowers of peace should not flourish in its stead. They had nothing to fear from the people of England by acting justly. But it would be said, perhaps, that there was another assembly where they might find it inconvenient, should they act justly in that House. He knew that there was an enormous deal of personal valour in the place to which he had alluded; but he also knew, that there was a comfortable quantity of political shrinking in it. If they were told, that Ministers were timid, they would, in that place, be courageous in an extraordinary degree. But let Ministers manfully come forward, and in the name of God and the people declare the principles he called on them to assert, and they would have nothing to fear there or elsewhere. The time was come that they should do so; the period had arrived when every good man in England, Ireland, and Scotland, pressed such a measure upon them. Let them but adopt a decided tone, and they might decide the howlings of owls and bats in old places and ruined towers, they might smile at the reclamations from "Holy Island" as if the Ghost of St. Cuthbert had returned upon earth in 1835, to object to any reform that would not leave the Benedictines in possession of all their property there. The people of England did not speak by the voice of the monks of the last or of the present century. They did not speak by the voice of mitred abbots of that or of any other period. The universal voice of the people of England, Scotland, and Ireland, proclaimed aloud and trumpet-tongued a liberal system, equally remote from revolution and from a recurrence to the dark days of Toryism. All he wanted Ministers to do was, to justify their public fame by their public declarations—to assure the people, that their voice was heard, that their expressed opinions would be acted upon, and to announce to Ireland, on a subject of the last importance to that country, that the day was dawning when domination should cease and justice should begin. The hon. and learned Gentleman concluded by moving, as an Amendment to the Motion for the Speaker to leave the Chair, the following Resolution,—"That after any funds which should be raised in Ireland in lieu of tithes had been so appropriated as to provide suitably, considering vested interests and spiritual wants, for the Protestants of the Established Church of Ireland, the surplus that remained should be appropriated to the purposes of public utility."

Mr. *Hume* said, that he seconded the Amendment, because he thought that it would, if agreed to, tend to beneficial results. He hoped that the Motion would be agreed to, as it would show to the people of Ireland, although after long delay, the House was not indisposed to do justice. England was as much interested in the peace of Ireland as the inhabitants of that country. He implored the Government to come forward and satisfy the people of Ireland that at last they were determined to afford adequate relief to the Irish people. After years of hope—after repeated disappointment—show them that there was a firm determination to do something. He thought on every ground of expediency and justice the House should declare, that they were determined that the surplus revenue of the Irish Church should be devoted to useful purposes. The object of the present distribution of Church property was, to promote the happiness of the people, but when they found, that the present arrangement did not promote that object, they were bound to make a change. He hoped his Majesty's Ministers would at once show their determination to accede to the principle of the proposition of his hon. and learned friend. He would rather that they should at once declare that they were determined to act upon the principle of the right hon. Gentleman (Mr. Stanley) than continue to pursue their present vacillating conduct. If they adopted the suggestion of his hon. and learned friend (Mr. O'Connell) they might rely upon it that they would find themselves backed by the voice of a united people. He felt it unnecessary to trouble the House at greater length, as he had previously stated his opinions on the question.

Lord *Morpeth* said, that as the hon. and learned member for Dublin had called upon Members boldly to come forward and state their opinions, he would obey the call, although he knew the observation of the hon. and learned Member was directed to Members of more weight and importance than himself. At the same time, however, he did not feel it would be necessary for him to take up much of the time of the House. He thought that when a question was at rest it was prudent to leave it so, that was, when a subject was not excited that it should not be raised, on the principle that they should leave well alone, or, according to the old maxim, *quieta non movere*. But that must only be the case in quiet times, for if they passed away and the feelings of men became excited, then it only remained for the Legislature to do what was right, namely, to stand by no abuse, but to abandon no duty; to be resolved to defend what was necessary, by being the resolute friend of Reform. So, with respect to the Church, he might have felt called upon not to interfere at present under other circumstances, or, at any rate, he did not feel called upon to support abuses which might exist as regarded the unequal distribution of the ecclesiastical revenues. When the question had grown to a great height—when the feeling pervaded the whole country—he could not disguise it from himself that maintaining the Irish Church, or rather that portion of the Church of England in Ireland, in its present possessions, was not an arrangement on which he could rely for the support of the religion of the country, namely, from its want of coincidence with the feelings of the majority of the community. The argument that the two countries were one in this respect, he considered to be pedantic, to which Scotland gave a living contradiction. That argument, if true, would be an objection to the Union and justify its Repeal. He agreed in the opinion that the Legislature had the right to interfere in the distribution of the property of the Church, that if it were necessary the Legislature might apply it to other than Church purposes. When he used the word "right," he thought that he was bound to state, that he only meant that, although the Legislature had a strict and legal right to deal with Church property as it pleased, yet that it would not be justified in devoting it merely to social purposes, or to measures merely of possible expediency, such as came under the phrase of the hon. and learned Gentleman, namely, purposes of public utility. If that expression were adopted it might appear, that the property of the Church might be devoted to any civil purposes, for the repairing of banks or the formation of turnpike roads. He thought that when they proceeded to devise and act upon this right of interfering they were bound to take care, that the property was distributed in a way analogous to the original purposes for which it was given to the Church, namely, the moral and religious instruction of the people. He thought that he had said enough as regarded his not being able to give his support to the Motion of the hon. and learned member for Dublin, which in its present form not only contravened the vote which he (Lord Morpeth), with the majority of the House, came to on the Motion of the hon. member for St. Alban's; but that it also went, not to the establishment of any substantive proposition, but merely to the assertion of an abstract right to be thrown out as encouragement to the votes of some, and as a source of alarm to others. The concurrence of the House in the Motion might be considered as a promise of a future grant to the Roman Catholic clergy of Ireland—a matter calculated to produce very great ferment; or it might be construed, by the Irish Protestants, as the signal of their utter desertion; and possibly it might lead to the abandonment of various plans connected with education and charitable institutions now in progress. Whenever the purposes to which the surplus revenues of the Irish Church were to be applied, were stated and defined—whenever any practical measure was introduced—he should be quite ready to consider whether it tallied with his idea of the original destination of this property, and to deal with it accordingly. He was perfectly aware that this view of the case was at variance with that entertained by his right hon. friend, the late Secretary for the Colonies. He was sure he need not express to his right hon. friend the respect which he felt for the character, the affection he nourished for the person of his right hon. friend, or the undiminished regret he experienced for the loss of the great talents, and the no less signal virtues of his right hon. friend to the Government of the country; but he must at the same time say, that he never did feel more forcibly than on the occasion of his making his speech on leaving office, which his right hon. friend delivered with even more than his accustomed eloquence and ardour, the fallacy (in his humble judgment, at least) of the views which pervaded it. They were views with respect to the people of Ireland, based, as it seemed to him, on no other plea than conquest—it was saying, in effect,—"We have conquered your country—we have settled that such shall be your religion, and such—whether it suits you or not—such, whatever may happen to be its increase or decay, shall remain unaltered and unmodified." He would not say, that this view of his right hon. friend would hold equally good for compelling the House to establish a Church of England clergyman in every village in India, but it would hold as good as if every Protestant were swept away from the face of Ireland; for even then, according to the doctrine of his right hon. friend it would still be necessary to keep up the whole ecclesiastical staff in readiness for the future possible return of the Dissenting troops under his banners. If his right hon. friend did not accede to this view of the case, he could not see what would become of his animated horror of the doctrine of proportion. With respect to the Church of England, in England he felt—and no one could feel it more deeply than himself—that in its proper sphere, in its just proportions, in its parochial ministration, it had a power and strength which, under the blessing from above, would enable it, not only to defy all the attacks of its enemies, but even to survive the defence of some of its friends. When he claimed this power and perpetuity for the Church, it was for a Church purified of its abuses—honoured by a just distribution of its superfluities—it was for a Church that had laid down for ever and ever the tone, and feeling, and habit of domination—it must be for a Church, in short, actuated by a spirit totally the reverse of that which was lately manifested at Oxford. Far be it from him to attempt to disparage the just tribute of applause which learning and science were never slow to bestow upon the successful valour which was their shield and defence in the hour of war and peril; and far be it from him to hesitate in saying, as must be acknowledged on all hands, that never could there have been an instance in which the merit was more pre-eminent, or the reward more brilliant. But if it were intended to interweave political considerations, and to deduce political consequences from it, he must beg to express his conviction that the party acclamations which rang through the theatre of Oxford would find no echo either in the popular branch of the British Legislature, or in the general mass of the British nation. They were not disposed to hail the name of their greatest contemporary people with a yell of disapprobation, or their estimable Dissenting citizens with a shout of derision—they honoured the triumphs of war, but they clung with a fonder love to the advances and improvements of peace—they revered the sanctities of religion, but they exhibited yet more of its gentle, kind, and tolerant, and indulgent spirit. To the University of Oxford he looked back with emotions of gratitude and pleasure for the hours he had spent there, in its social circles, and in its studious shades; but if it wished to excite a great national movement, he should anticipate for it the same success which attended the most busy periods of its interference with the history of our country, whether it backed the waning fortunes of Charles, or fostered the languishing hopes of Jacobitism. He was convinced, that in times such as these, no principle of exclusiveness could ultimately prevail on any great question, or in any great institution, founded for national purposes; and he was even sanguine, in anticipating some acquiescence and accommodation of opinion, even at the University of Oxford itself, when he remembered that the loudest plaudits to which the roof of its theatre ever echoed, were those which hailed the approach within its walls of the great conceder of Catholic Emancipation. He was not ignorant that the violence and acrimony of which he complained were not without provocation; he was not ignorant that if retaliation were always a good plea, some defence for that conduct were not wanting; but instead of pursuing a course which was provoked rather than justified, by the intemperance displayed on another side, he would rather ask those of his own creed, at least, to apply to their own conduct a beautiful quotation made by Mr. Fox in circumstances somewhat parallel. If the members of the Church of England were firmly convinced, said Mr. Fox, of the Divine basis upon which its establishment rested, they should endeavour to make their conduct as congenial to that persuasion as they could.

Tuque prior, tu parce, genus quæ ducis Olympo.

Churchmen and Dissenters might differ from each as to how much ought to be demanded, forborne, resisted, and conceded; but they were all bound in an equal degree to adopt the spirit of candour and conciliation—of indulgence and moderation; a spirit, which he was sorry to see had not prevailed to so great an extent as it might have done—and to remember that that spirit was of far more real praise, and more permanent value, than most of the points and tenets over which they waged their fiercest contests. Having thus declared his opinions to the House, he begged to add, that fully assenting to the arguments which recognise the right of the Legislature to interfere with these revenues by a distribution analogous to the true spirit of the original destination, he had learnt with great pleasure that his Majesty's Government had adopted the step of issuing a Commission of Inquiry upon the subject. He trusted, that when the Commission drew up its Report, it would be drawn up in a liberal spirit, and be liberally acted on by Ministers and the House; but he must in the meantime decline giving his consent to support the proposition of the hon. and learned member for Dublin.

Lord *Althorp* had not yet heard any argument to show the necessity of adopting the Resolution moved by the hon. and learned Gentleman. The hon. and learned Gentleman had complained, that his Majesty's Ministers had not declared their principles upon the subject of Church-property; but, at the same time that the hon. and learned Gentleman made this complaint, he afforded proof—proof incontestable—that they had already fully declared the principles on which they meant to act. For, when the hon. and learned Gentleman inquired why the present Ministry had separated from the right hon. Gentleman who had lately presided over the Colonial Department, he had himself stated, that the separation would not have taken place unless there existed a serious and most decided difference of principle. He might content himself with this proof, because as the hon. and learned Gentleman had stated, it would have been insane in the Ministers to separate themselves from Gentlemen of such powerful talents as were possessed by his noble and right hon. friends, unless there had been such a decided difference of principle. That, however, was not all; for the Government had declared their opinions—had declared that the Parliament of this country did possess the right to appropriate to other than purely Church purposes such portions of the revenues of the Church in Ireland as might be more than was required for the benefit and advantage of the Protestant population of that country. The Government had not only declared this, but had also declared, and had taken means to carry that declaration into effect, that as soon as it was proved and shown, not what was the amount of revenue possessed by the Church of Ireland, but what sum was more than sufficient for its purposes, that then it was not only the right but the duty of the Legislature to consider whether there might not be made a more beneficial appropriation. The Government had never stated or intended to state, that it was contemplated to appropriate any part of the Church revenues to the purposes of the Roman Catholic religion. On the contrary, they thought that such a mode of appropriation, so far from being advantageous, would be most detrimental, both as affected the feelings of the Protestant population of the empire and the feelings of the Roman Catholics themselves. Most undoubtedly the Government did think,—and he was prepared to say, looking at the question as a member himself of the Protestant Church,—that it would be most advantageous to the Protestant religion in both parts of the empire not to continue in Ireland that irritation against the Church which was consequent upon the present distribution of Church-property in that country. It was impossible for any man, who looked with reasonable feelings upon the present system of distribution, not to say, that so large an appropriation of property for the Ministers of so comparatively small a part of the population, was calculated to diminish instead of increase the number of Protestants in that part of the realm, because it was manifest that much dissatisfaction among the other sects was inevitable. With respect to the right of interference, he could not conceive on what grounds hon. Gentlemen who were opposed to the Government on this occasion, but who had conceded the right of Parliament to deprive one corporation of a portion of its property to confer it upon another, should urge that the Legislature had no right to apply the Church revenues to other purposes—he meant moral and religious purposes. He could not see how that right was denied, particularly when it was remembered that the Church, in the proper meaning of the terms, was not limited to the clerical portion only, but meant the whole body of the professors of the Protestant Church. The property belonging to that body had been applied to the payment of the ministers of religion; but if those ministers could be provided for in a manner sufficient for the wants of the Protestant population of Ireland, and a surplus remained, he contended that the remainder might with great advantage to the Church itself be applied in another way. With these views he felt perfectly ready to state distinctly his opinions, nor did he wish in any degree to shrink from them. He hoped, therefore, that after what he had stated, he should not be thought to be shrinking from the question if he did not accede to the adoption of the Resolution proposed by the hon. and learned member for Dublin. From the adoption of this resolution he could not see any advantage to be gained; it was merely a repetition of the Motion already disposed of which had been brought forward by his hon. friend the member for St. Alban's, and for the same reasons that he had opposed it then he must now object to its adoption. It was true, that the hon. and learned Gentleman had argued very ably, eloquently, and conclusively, for the right of the Legislature to interfere in the matter of appropriation: he had made a very eloquent speech; but the hon. and learned Gentleman had failed to advance any argument in favour of the adoption of his Motion at the present time. The hon. and learned Gentleman had objected to the Tithe Bill, unless the Government gave some declaration as to its intentions with respect to future appropriation. The issuing of the Commission of Inquiry was a clear proof of the intentions of the Government, for it would have been most absurd in them to have issued it, if they did not mean to act upon the Report which would follow from the inquiry thus set on foot. That step alone went much further than the mere adoption of the abstract proposition now under consideration; it was an actual step towards the object to which the resolution proposed by the hon. and learned Gentleman would merely pledge the House. Under such circumstances its adoption was unnecessary, and being unnecessary, would be most disadvantageous. On these grounds, and not differing from the hon. and learned Gentleman opposite as to the right of Parliament to make a different appropriation of the property, but thinking such a course was necessary for the future peace of Ireland and for the benefit of the Protestants of that country, he certainly was not prepared, and he hoped that the House was not prepared, to adopt the Motion of the hon. and learned Gentleman.

Colonel *Davies* expressed his approbation of the candour which had characterized the statement just delivered by the noble Lord opposite; but he was anxious that the House should compare that statement with the observations which had fallen from a noble Marquess and another noble Lord at the head of the Government in another place. The noble Marquis to whom he alluded had said, in speaking of a surplus, "that he only contemplated its appropriation to pious and charitable purposes connected with the Established Church." Again, said the noble and learned Lord, that "supposing there was a surplus, it should first of all, if not exclusively, be applied to the purposes of moral and religious education on the principles of the Established Church." He had also added, "that the source from which the funds came, naturally indicated the objects to which it should be applied." Here, then, was a complete difference of opinion amongst the members of the Government; and he must ask, would the last declaration of opinion to which he had alluded satisfy the people of Ireland?—would they acquiesce in the continued application of the funds to which they all contributed, to the support of an institution from which the majority derived no benefit? Every clause of the present Bill secured with an iron grasp the rights of the Church, and would leave the clergy of Ireland as completely in the possession of their present property as if the appropriation (or he should rather call it) the misappropriation clause had passed. The effect, too, of the Church Temporalities Bill would be to produce the same result; the very first clause sufficiently indicated its character, and with these declarations and measures before him, he could not think the professions of the Government afforded any security to the House. So long ago as the year 1830 the noble Lord opposite had promised to remove abuses which still remained unabated, and yet the Legislature and the people of Ireland were now to be told, that they must wait until the Report of the Commissioners of Inquiry was received, while, at the same time, it was sought by this Bill to perpetuate existing evils, by giving to the clergy of Ireland enormous powers, without which they would be unable to collect their tithes. The time was come to tell noble Lords in another place, that if they had any regard to the clergy, and if they did not wish to see that body reduced to a state of misery and destitution, they must pass the Bill as it was sent to them from this House, for that this House would not agree to it in any other shape. But if the House should agree to the Bill as at present framed, securing, as its provisions did, the property of the Church, the Lords would treat with contempt any effort to effect the objects sought by the people of Ireland. He repeated, therefore, that now was the time or never, and that the opportunity ought now to be embraced, for it would never occur again. It became the duty of the House to pass some resolution to show, that it would not be trifled with, and for these reasons he should support the Motion of the hon. and learned member for Dublin.

Mr. *Feargus O'Connor* concurred with the hon. and gallant Member who had just sat down in thinking, that the present was the fitting time for the House to take some step. The views held by the noble Lord, the Prime Minister of England, in another House, and by the right hon. Baronet, the member for Tamworth, in this House, perfectly coincided, and therefore it was due to hon. Gentlemen on both sides of the House, that his Majesty's Ministers should speak out on the present occasion. The right hon. Gentleman, the Secretary for Ireland, had manifested great reserve throughout the discussions on the present measure. Although he did not exactly agree with the noble Lord opposite (Lord Morpeth), who had said nothing applicable to the question, yet if the proposition of the hon. and learned member for Dublin had been brought forward as a substantive Motion, he should have been inclined to have gone with the noble Lord; but he could not for a moment forget the principles on which he held his seat in that House, nor could he obliterate from his memory, that the people of Ireland looked for the total and entire abolition of tithes. Less than this would not give satisfaction to the people of Ireland; and though he entertained the highest respect for the talents and good feeling of the hon. and learned Member, yet he could not support the present proposition, because he was prepared to go much further than the terms expressed in the resolution. The right hon. Gentleman, the Secretary for Ireland, had said, that the House in acceding to this Bill was only legislating for a period of five years. He presumed it was in contemplation, that the Report of the Commissioners would be made in that time. He declared, however, as his opinion, that the Commission would commence in blood, progress in perjury, and terminate in delusion. The present measure effected merely a change in the name of an odious tax, and such legislation would not be productive of satisfaction to the people of Ireland; nor would the impost, though its definition might be altered, be made more palatable to that portion of his Majesty's subjects. He had attended numerous tithe-meetings in Ireland, and he could state, that the strongest resolutions, urging the injustice of tithes, were generally proposed and seconded by Protestants. The landlords had also joined in the outcry against the impost, so that the opposition could not now be said to be that of the vulgar people. By opposing the resolution propounded by the hon. and learned member for Dublin, he was aware that he stood upon tender grounds; but as he sought not popularity, but merely regarded principle, he should persist in his course, with a perfect willingness to retire to some other occupation, or offer his services to a constituency more radical than that he represented, which, he believed, it would be difficult for him to find. If the right hon. Gentleman opposite (Mr. Littleton) persisted in the measure as it was at present framed, he would indeed require a renewal of the Coercion Bill; but as he had already told the right hon. Gentleman that he was unfit to govern Ireland, he would repeat his hope, that the right hon. Gentleman would stop short in his mad career. It might be said, that the right hon. Gentleman had been obliged to follow in the steps of the late Secretary for the Colonies; but if so, he (Mr. Feargus O'Connor) hoped and trusted that in the changes now taking place, the right hon. Gentleman would, like his predecessor, find a higher office in which he might take refuge. The right hon. Gentleman had not stated how the Bill was to work, but he had contented himself with calling upon the people of Ireland to be satisfied. He repeated that the people of Ireland would not be satisfied with increased powers being given to the parsons, who were just as severe as the tithe-proctors. He himself lived in a district which was called "Parson's Paradise," from the circumstance of the great number of livings by which it was surrounded; and he knew them to have sold their tithes for from 7*s*. to 10*s*. in the pound to the tithe proctors, after refusing 15*s*. from the tithe payers on the terms of the full amount being enforced. He should, he must repeat, oppose the Motion of the hon. and learned member for Dublin, because if he should now give it his support, he could not in his conscience come forward next Session, and advocate the principle upon which he had been returned — namely, the total abolition of tithes. The noble Lord had done well in introducing words of a warlike import into the Bill, for if he was determined to persevere in tithes he must present the peace-offering to the minister on the point of the bayonet. He never would pay tithes in any shape or form, nor would he advise any of his constituents to pay them.

Mr. *Sheil* observed, that it struck him with surprise, that after the speech of the hon. and gallant member for Worcester, one point of the question had not called forth some explanation from his Majesty's Ministers, particularly as it was a point to which much importance was attached. He thought that the opinion of any one of his Majesty's Ministers, openly and candidly declared, would carry much weight with it; and he thought it but fair, for the satisfaction of the House and the public, that it should be made known how far unanimity on this point subsisted among the members of the Cabinet, or what shades of dissent were to be found among them. A noble Lord in another place—an expression quite parliamentary, if not always quite intelligible—was reported to have expressed himself favourable to the application of the surplus of the Church-property solely to the purposes of the Protestant Church. Had this been said, or had it not? Why did not Ministers come forward and boldly declare their sentiments, instead of referring to the expression of their opinions? He did not pretend to say, that Ministers had done nothing: far from it. Ireland had to thank them for two great boons. They had given up the appropriation clause, and they had done something else. They had granted a Commission; but he would ask them, would Ireland be satisfied with the political results of that Commission? The only difference between the conduct of the noble Lord on the occasion of moving the previous question as an Amendment to the Motion of the hon. member for St. Alban's, and on the present, was this—that he had then opposed an immediate decision on the question of appropriation, on the ground of granting a Commission of Inquiry, and now on the score of having issued the Commission. Now, he would put the question on this single point—was this Commission sufficient? One remarkable distinction between this and other Commissions was evident at the first glance—namely, that some time was fixed for the exercise of the duties which the persons appointed to act under the Commission were to perform, but here no time was limited. He need only cite the examples of the Education Commission, and the Corporation Commission to prove this position. Then again, how many Commissioners were appointed? Nominally there were fourteen, but three of them were Ministers of the Crown, and a fourth was to reside, he was told, constantly in London; thus there were in reality only ten. These were to be divided into pairs, and every parish in Ireland was to be visited by the one or the other of these pairs of Commissioners. Now, there were 2,500 parishes in Ireland to be perambulated, 500 to each pair, two Commissioners to each parish; on this point the terms of the Commission were explicit, and they were on the spot, that was the phrase, to collect the information for which they were sent out. In the first place, they had to ascertain the relative proportions of the Protestant, Presbyterian, and Catholic population in each parish; next, the average attendance at Church of each class for the last five years; then, if there was a union of parishes, the average proportions of each in these respects. The next thing was, where there was such an union, for them to ascertain the distance between the parishes; to be sure, this was a piece of information not very hard to come at; but, as if what he had recounted was not enough, as if Government thought the labours of the Commissioners were not sufficiently Herculean, they had to inquire into the state of education in each parish, to learn what books were employed for this purpose, and to ascertain the average attendance of each sect in the school. But even this was not enough; they were to report generally—he hoped the House would observe the comprehensiveness of the word—on the relative situation of Protestants, Catholics, Presbyterians, Baptists, all and any denominations whatsoever in respect to all these particulars. And all this was to be done by ten men! These were the naked facts of the case; he had not distorted them in the slightest degree; and now he asked whether it was likely that such a Commission would do any service to the country? He had shown, that it was entirely worthless, and, therefore, he begged Ministers to take at once a decided step, and no longer expose themselves to the charge of pusillanimous imbecility. The noble Lord might say, that he did not know whether there would be a surplus or not. He had watched with great care the noble Lord's concession; but he found a resolution adopted by his Majesty's Ministers, and he would ask why the House of Commons should retract from that resolution. He (Mr. Sheil) might be disposed to confide in Government, but he did not trust in their stability—he did not confide in their permanence. Their determinations might be nullified by a change of Administration, but a resolution of the House of Commons was not so mutable. But at any rate they ought to know what they were doing. "Let us," continued the hon. and learned Gentleman, "have determined men. Either we must return to the reign of the Conservatives, or we must have bold and consistent advocates of necessary changes. We must pursue a decided policy, and not have recourse to a paltry system of shifts and expedients." It was absurd, the hon. and learned Gentleman continued, to suppose, that the Coercion Bill would effect the results which Ministers proposed to themselves by its adoption. Such measures had invariably failed. They might re-act the scenes which ought to have struck them with dismay; all the atrocities which had been committed might be again let loose upon the land; but they should remember that having made those dreadful experiments, and found them a failure, if they persisted in this reckless pertinacity of purpose, they would have to pass before God and their country the ordeal of a most terrible and fearful judgment.

Mr. *Edward Ellice* said, that nothing could have surprised him less than the tone and manner of the hon. and learned Gentleman; or, that persons who declared themselves determined to oppose the Government, should be equally prepared to withhold all confidence from them. It was true, as had been said, that the Government had sustained a severe loss in the splendid talents of his right hon. friends. He agreed with the remark, that that loss was the severest to which the Government could be exposed. And for what had the sacrifice been made, but that the Government should be enabled to act upon one principle, and to avow that principle with regard to the measure now before the House? [*Cheers.*]:—"Sir, I scarcely know," continued the right hon. Gentleman, "how to interpret that cheer, coming from the quarter it does. But if it means, that the Government is not united and determined to act consistently with its declarations, I say, that if I had thought there had been the least difference upon one principle amongst those who formed the new Government, and that principle was the one of advising the fit application of the surplus revenues of the Church of Ireland to purposes not dissimilar from those stated in the Resolutions of the hon. member for St. Alban's, I would have been the last man to have joined it. I agree with the hon. and learned member for Dublin in all that he has stated of all the abuses and anomalies of this Church, and of the miseries and oppressions which it has brought on the country. I am not afraid to avow that in my place in this House; and, if I am ready to lend my best assistance to propose plans in this House for removing the miseries and the abuses and anomalies to which I have alluded, and thereby to give new strength and security to the Establishment in Ireland, while at the same time, I am enabled to confer that benefit upon the mass of the people of Ireland which they have a right to expect, by the appropriation of the surplus funds of the Establishment, I think I have a right to claim credit for having discharged the duty I prescribed to myself when I accepted office. These are my sentiments; and I know of none of my colleagues who differ from me on the subject. At least, I am sure, that I have heard no opinion from any one of them which leads me to entertain the least doubt, that the Government is acting in union on this point. The hon. and learned member for Dublin has asked me, or some member of the Cabinet, to give the House a candid exposition of our opinions upon this question. At least, as far as I am concerned, I hope he will admit that I have not withheld mine. With respect, Sir, to the Motion immediately before the House, the hon. and learned member for Dublin stated, that there is a wide difference between this Resolution which he has proposed to night, and that of the hon. member for St. Alban's, which the House negatived upon a recent occasion. After having listened with great attention to the hon. and learned Gentleman's speech, I confess I cannot see the distinction. When my noble friend opposed the former Resolution, he did so upon the ground of the Commission which had been issued, the terms of which he then stated to the House. I recollect, that my noble friend read from a paper in his hand the very terms of the Commission. I cannot then well understand how the House can agree with the hon. and learned member for Tipperary, and assert, that the Commission was issued with a view to delude the people. Then I ask, why will you not give credit to the Government for having adopted it with honest intentions? Either the measure was taken with good intentions, or it was used to delude the people of Ireland. I must say, that the haste with which you expect the Government to move forward in these measures is injurious to your own objects. I know that Governments are to be found, and Legislatures, perhaps, to follow them, who may be ready to move with less deliberation; but I say the present Government is not pledged to any such destructive rapidity of motion; and it is not fairly dealt with in being urged forward with unnecessary and causeless haste. The Government has scarcely had time to appoint the Commission. The Commissioners have scarcely met, and they are already accused of not proceeding with sufficient rapidity. Will Gentlemen give us a little time? Will they allow us to be informed of the opinions of the Commissioners. They met last week, and the first instruction sent to them was to consider how far their numbers were equal to the several duties imposed upon them, and to submit to the Government the plan upon which they proposed to operate in order that we may decide upon what steps may be necessary to accelerate their proceedings. Will, then, the hon. and learned Gentleman give us a week or two? We are a Government scarcely in office, it may be said—scarcely formed for the purposes of business. Will he not give us time to prepare our measures, and to form them upon rational grounds, so as to enable us—supposing, that he and I agree in our ultimate objects—to effect them? If the hon. and learned Gentleman asks me my opinion as to the Resolution he has moved, I scarcely know in what I differ from it. That is my opinion, and those who hear me know that I am not the man to put any qualification upon opinions which I strongly hold." The right hon. Gentleman then proceeded to say, that if there was any thing in the Resolution to which he objected, it was to the general character of the words "purposes of public utility." They might mean any thing—the building of roads or bridges, or other such purposes, which were of public utility, but to which he should certainly object to see the fund applied. He should like to have some little explanation of the very wide terms which the hon. and learned Member had chosen. But he objected to the Resolution being brought forward now. The Government had a right to expect credit for their intentions; and, above all things, they ought not to be driven forwards by violence to do what they hoped to accomplish quietly, and so as to avoid exciting the passions of men, and ultimately to provide for the public benefit. He had not accepted office to inflame and irritate one class of his Majesty's subjects against another. As to the threat of the hon. and learned member for Tipperary, he cared little whether this or any other measures should be placed under other auspices by a dissolution of Parliament; but he avowed his determination, let the consequences be what they might, neither to be deterred from those reforms which he conceived to be demanded by the public good, nor to be plunged into an extravagant and premature course which must only end in failure; but to stand between the extremes of either party, and pursue the course which his own judgment dictated. There was no hon. Gentleman in that House who felt more deeply than he did the loss which the Government had sustained in losing the talents of his two right hon. friends who had retired from it; still he must say, that the best support of a Government ought to be an honest intention and purpose to carry through those salutary measures of reform which the condition of the country required. That intention, he felt conscious, entitled the present Government to the support and confidence of the House. Without that confidence, he was aware they could do nothing; and, if it was to be withdrawn from them, that appeal must be made to the country under which he hoped and prayed—though he should be insincere if he said he believed—that the Councils of his Majesty would be committed to more moderate and more prudent hands; or that the measures then proposed would be more beneficial to the people.

Mr. *Lefroy* said, that the House and the country would be indebted to the right hon. Gentleman's speech for at least knowing what the opinions and views of his Majesty's Government were. The Commission had been properly described by the hon. and learned member for Tipperary; and if so sore a blister was to be applied to Ireland, the sooner she was made to go through the misery of it the better. The excitement that would be caused by this Commission in every parish in Ireland would resemble that of an election with universal suffrage. If ever there was a curse upon the land for numbering the people, this Commission would be one. There was no difference of opinion about it in Ireland; all parties looked upon it as the same unmitigated evil. With respect to the proposition of applying the funds of the Church to purposes of "general utility," as it was called, that was a plan which he should always oppose to the uttermost. He had never heard any reason advanced to show why the property of the Church of Ireland differed from the property of the Church of England. The only reason that had been glanced at in argument was, that of the population in Ireland being of a different religion. But the endowments of the Church had not been given to any particular portion of the community, but to the religion of the State. If any one thought a better religion could be found than the Protestant religion, let him come boldly forward and propose to have it changed from the Protestant to the Catholic, and see whether that House or the people of England or of Scotland would agree to it. It had been argued, that because there was a diminution of the numbers of any sect possessing property, that property ought to be given to the Government or to Parliament, and the owners be divested of it. He would contend, that where a State religion had been endowed, there was no more right in Parliament to divert the funds from that purpose than there was to divert them in the other case. If the majority of the people of Ireland did not adopt the religion established by Parliament—and let it be remembered, that it was a Roman Catholic Parliament in Ireland which established the Protestant religion there—that was no reason for diverting the Church property from its possessors, who held it under the solemn guarantee of the Legislature. If it were so, what was to become of the Union, which was no more sanctioned by the majority of the people in Ireland than the Protestant Church? That sophism would have no weight when closely examined. The people of Ireland only formed a portion of the population of the empire, and there was no more reason why they should call for the abolition of the religion of the State, than there would be for the Roman Catholics, who might happen to have a majority in any county in England claiming the abolition of the tithes on that account. The question upon which the House must now make up its mind was, whether or not the principles of the Reformation should be abandoned and broken down. It was true, that the barrier set up at the Revolution had been broken down, and he had no desire to raise it up again; but so long as the principles of the Reformation remained in force, Parliament could have no right to do with the Church of Ireland what it could not do with the Church of England, and by doing which it must tend to the dismemberment of the empire, and the overthrow of the monarchy in Ireland. When he added to this the jealousy with which the Protestant people of Ireland looked to this measure as a breach of national faith and of the solemn compact entered into with them at the Union,—when they looked at this, and at the feelings which had lately been excited among the Protestants of Ireland,—he could not too solemnly caution the Government against the course they were pursuing. He had nothing to say against the removal of abuses in the Church, or any proper distribution of her revenues. He was most anxious that every defect of this kind should be remedied; but any alienation of her property from the Church, he, and he believed every Protestant Irishman, would be prepared to resist to the last as an infraction of the Union. On the last occasion upon which he addressed the House on this subject, he felt himself authorized, upon the strength of documents which he had consulted, to assert that the estimates of the property of the Church in Ireland, which had been given to the House, were most exaggerated statements. He did it without the most distant intention of conveying any imputation upon the Motion of the hon. member for St. Alban's; but, in justice to himself, he must state again, that, after examining the facts most carefully, he was convinced, that the hon. Gentleman had fallen into the most gross exaggeration. Since, then, the accounts of the whole composition had been prepared, excepting for tithes, to the value of 68,000*l*. a-year. From these accounts it appeared, that the hon. Member overstated the property of the Church by above 100,000*l*. a-year. As he had surmised before, he found, that the value of the glebe lands, as well as the tithes, had been included in the estimate of the property. He was now able to repeat the statement he had made the other night, that the whole revenues of the Church of Ireland, applicable to the remuneration of her Bishops and clergy, after deducting the payments under the present Bill, and the income of the cancelled bishoprics, would not exceed 534,000*l*. a-year. Of the livings in Ireland, 277 were presented to by lay patrons, and those in value were nearly one-fifth of the value of the whole. These livings being the saleable property of laymen, like any other property, ought not to be taken as endowments of the Church, and, therefore, that number of 277 was to be deducted from the whole number of 1,456. There was still less justice in separating from the Protestant Church any of its revenues at the present moment, when the result of this measure would be to throw the payment of the tithes upon the Protestant landlords. It was said, that the tithes should not be paid because the people of the country were of another religion, and, therefore, the clergy had nothing to do. But that would put an end to every State religion, except the religion chosen and followed by the most ignorant of the people. With respect to the Bill itself, he had heard, with astonishment, the right hon. Gentleman, the Secretary for Ireland, state, that it was his intention to abandon the redemption and appropriation clauses in the Bill. He heard the proposition with astonishment, because it was at variance with the professions made by the right hon. Gentleman when he introduced the measure originally to the House. The professed object of the Bill was, to realize this species of property, by a commutation into land, and to leave the question of future appropriation unprejudiced. But, to leave that question unprejudiced, it was necessary the Bill should go the length it originally did; and, accordingly, the Bill provided that, for five years, a land-tax should be levied in lieu of tithes; and, after that period, an investment was to be made for the use of the clergyman, who would then possess a property in land equivalent to four-fifths of what he had previously received in tithe. If those clauses were withdrawn, what was the clergyman to receive in lieu of his ancient prescriptive right, which was taken away by the Bill?—and what was he to receive in lieu of one-fifth of his present income? It should be borne in mind, too, that the Bill dealt with the rights of present proprietors, and, as now to be modified, it would give the clergyman, in place of his prescriptive right to the whole tithe, a claim to become a pensioner of the Commissioners of the Woods and Forests for four-fifths. The Bill did not give the Land-tax to the clergy individually; it left it vested in the Crown, and to be collected by the Commissioners of Woods and Forests, and voted out accordingly, as they, in their diligence, might be able to collect it, after deducting all expenses. The revenues of the Church, so circumstanced, could not any longer be looked upon as property. Under these circumstances, he felt great reluctance to vote for the re-committal of the Bill; but he had no alternative, and could not, upon any grounds, support the Resolution proposed by the hon. and learned member for Dublin. He believed, that the interests of the clergy would be greatly prejudiced by the Bill, but he felt coerced to take it as a choice of evils, and to avoid the Resolution of the hon. and learned Member for Dublin.

Mr. *Finch* contended that, if the Catholic priesthood had permitted the people to pay the tithes, they were very ready to pay them; and nothing would have been heard of this Bill. It was the object of the Church of Rome to destroy the Protestant Church, and to establish itself in the place of the Protestant Church. His Majesty's Government had been absurd enough to suppose, that the Catholic clergy would accept a pittance from the off-scourings of the Establishment. If they had offered them four-fifths of the revenues of the latter, perhaps they might have accepted that as a first payment, and a step to their ultimate object, that of establishing their own religion in its place. The conduct of his Majesty's Ministers, on the present occasion, was in direct violation of the promise made to the Protestants of Ireland, that no such measure should be introduced without their being previously consulted on it. Such conduct was calculated to excite alarm in every member of the Established Church, and to threaten the stability of the State.

Mr. *French* wished to point out that part of the proposed alterations to which he particularly objected. He stood forward as the advocate of this Bill, nor would he join in a sweeping denunciation of its provisions. He was fully aware of the benefit which must result from cutting off the source of collision between the Protestant clergy and the people. It provided against a repetition of that distress to which, according to the statement of the hon. member for the University of Dublin, the clergy had been reduced by the non-payment of tithe; and though he must agree with the hon. member for Worcester, that justice was violated in compelling one man to pay the debt of another, by rendering the landlord liable for the defalcation of the tenant, still a sacrifice, made on the part of the landed proprietors within the bounds of moderation, for the attainment of tranquillity, might be desirable. They should recollect, that their individual interests were regulated by the general prosperity of the State; that this impost, now about to be done away with, had been for ages the greatest drawback on that prosperity; that it had always been the cause of combination and confederacy throughout the country; that, in the present inflammable state of public opinion in Ireland, the resistance to payment might be still further extended, and end in a terrific struggle between property and pauperism. They should also recollect, that were every vestige of the Protestant Church destroyed in Ireland, they could not, in justice, expect one shilling of this money to fall into their pockets; but, on the other hand, a considerable allowance ought to be made, a much more considerable allowance than that proposed in this Bill, to reconcile them to taking on themselves payments for which they were not at present liable; payments not hereafter to be collected by them, or if, indeed, attempted, at the hazard of attaching the insecurity of tithe to the present security of rent, involving both in one common ruin, and to be collected even then, according to the statement of the right hon. Secretary for Ireland in sums amounting to the one-fortieth part of a farthing. For all this trouble, risk, nay, certain loss, what did they propose to give the landlords of Ireland? What advantage, present or prospective, did they hold out, to reconcile them to this arrangement, to tempt them to acquiesce in what the gentry of England would never suffer, and what, he trusted, they would not be forced to submit to? Were receivers to be placed on their estates for debts which they never contracted? In this Bill, as originally introduced, there was a clause of redemption, giving the landlords of Ireland as a boon, at sixteen years' purchase, a description of property, which, before it was deteriorated by agitation, would bring but thirteen years' purchase in the market; this was called a boon. They received a similar one last Session in the Church Temporalities Act; but this clause was to be omitted. Against that omission—to striking out the principle of redemption—he objected. The inevitable consequence of this Bill passing without the rate of redemption being fixed, must be, to place an additional incumbrance of some millions on the landed property of Ireland. He wished not to deduct one shilling from the value of Church property as it stood before agitation commenced in 1829; but he denied the right of Parliament to stamp an additional value on this property by legislative enactment, and call on the landlords of Ireland to pay for it. At the period to which he had alluded, 1829, the Church tithe of Ireland was rated at 600,000*l.* a-year. Deduct for collection, security, &c., thirty per cent, and the nett or saleable income would be 420,000*l.* a-year, which, at thirteen years' purchase, would bring 5,460,000*l.* This 600,000*l.* tithe they were now about to convert into 600,000*l.* rent charge, deducting twenty per cent. 480,000*l.* saleable income seemed as the just charge on the rental of Ireland on a sum of 14,000,000*l.* sterling, guaranteed by the State, and payable at the Treasury. Would any one venture to deny, that a description of property, such as this, would be valuable, and that the landlord of Ireland would not be eventually compelled to pay, thirty years' purchase for it? 480,000*l.* at thirty years' purchase, would produce 14,400,000*l.* An additional value of near 900,000*l.* they were about to place on this property. The lay tithe of 100,000*l.* a-year was subject to the same calculation. The increase of value in this case could not be defended on the ground of being the property of the Church or the property of the State. He trusted, his Majesty's Government would take this into their serious consideration—that they would hesitate before, by expunging the clause of redemption, they cut off the only means by which the extinction of tithes could be obtained—that object for which the people of Ireland had so long and so ardently struggled; that they would pause before they adopted a measure which was destructive to the landlord, and not conciliatory to the tenant; which, while it left behind the seeds of discontent and irritation, would materially add to the burthens of an already distracted and impoverished country. He would no longer trespass on the patience of the House, and would conclude by stating his fixed determination to oppose, to the utmost of his power, in Committee, the omission of a clause without which he considered this Bill would not only be destructive to the interests, but fatal to the peace of his native country.

Mr. *Shaw* said, it was his intention to vote against the resolution of the hon. and learned member for Dublin, but, having done so, he was fully as much as ever opposed to the Motion of the right hon. Secretary for Ireland. In this he was guilty of no inconsistency. The hon. and learned member for Dublin and the Treasury Bench were precisely agreed upon this question. The only difference that existed between them was, that the hon. and learned member for Dublin had the manliness both to state and to act upon the principles which he declared. The Government stated, but had not the manliness to act upon the principles they entertained. If they had the manliness and the moral courage to act up to the principles they professed, his Majesty's Ministers need not hesitate to support the Resolution of the hon. and learned member for Dublin. The right hon. Secretary at War had declared that, by adopting that Resolution, however consistent in principle it might be with the opinions of Government upon the subject, they would be brought into difficulties of detail which it was inexpedient to encounter at present. This was by no means a valid objection, for the Resolution did not pledge them to any details. That being the case—he meant no personal offence to any member of his Majesty's Government in what he was now saying—he would plainly state his conviction, that his Majesty's Government had adopted the course they were now pursuing for no other purpose on earth than to gain time. The sentiments of his Majesty's Ministers appeared to agree so precisely with those of the hon. and learned member for Dublin, that he could not see any reason why they should not support that hon. and learned Member's resolution, if they wished to act with boldness and consistency. But the fact was, whatever the individual sentiments of the members of the Government might be, as a Ministry they had not come to any very consistent or well-defined opinion upon the subject. He held in his hand a copy of the speech of another member of his Majesty's Government in another place and on a former occasion; and what were his opinions upon this question? Why, black and white were not more opposite than were the expressed opinions of the Marquess of Lansdowne and the right hon. Secretary at War upon the subject of the appropriation of Church property in Ireland. He would, therefore, at once charge his Majesty's Ministers as a body, with endeavouring to evade and shuffle off from the question. He would not now go into the arguments of the hon. and learned member for Dublin, for in the present position of the debate such a course would be hardly opportune. There was one single topic, however, contained in the joint sentiments of the hon. and learned Member and of his Majesty's Ministers,—for there was no difficulty in putting them and answering them together,—which he could not but introduce to the notice of the House. For this purpose he would beg leave to quote one single passage from the speech of an individual of high trust in his Majesty's Government,—the Lord Chancellor of Ireland. In the year 1823, an hon. Member (for Middlesex) brought forward a measure upon the subject of Church property in Ireland, which was not nearly so strong as that now before the House. The motion then proposed by the hon. Member was this. "That it is expedient to inquire whether the present Church Establishment of Ireland is not more than commensurate to the services to be performed, both as regards the number of persons employed, and the incomes they receive; and if so, whether a reduction of the same should not take place, with due regard to all existing interests."* Upon this proposition what did Lord Plunkett say? "He could not allow the resolution of the hon. Member to be offered to the consideration of the House, without expressing in terms as strong as the English language could supply, or the rules of Parliament would allow him to use in this House, his sense of the folly and desperation of the measure which had been proposed; without expressing the strongest reprobation of it which it was in his power to bestow. The plan of the hon. Gentleman for governing the Church of Ireland, if proper for that country, would be proper for England."† What then became of the distinction between England and Ireland pointed out by the noble Lord (Lord Morpeth), who had just taken up his station behind the Treasury Bench—But Lord Plunkett went on: "If adopted by Parliament, they would, in effect, declare, that the property of the hierarchy was public property, and was liable to be disposed of for purposes of religion, or for any other purposes. This would prepare the way for the downfall of the hierachy, and that of the Throne must follow."‡ This, however, was not all, for, in a few sentences further on, Lord Plunkett returned to the distinction between England and Ireland.- Under these circumstances it was certainly extremely fortunate that the noble and learned Lord's professional duties detained him in Ireland during the discussion of this question. It would certainly be highly inconvenient to him to be present on such an occasion. He was perfectly satisfied, from what had fallen from the right hon. Secretary at War, that if he were acting in his individual capacity as a Member of that House, he would not oppose the resolution of the hon. and learned member for Dublin. That hon. and learned Member had very strong grounds to urge the Government before the Bill was suffered to go into Committee, to declare their intentions in respect to this very important branch of the subject. The present Bill was totally different from the former one. It involved the principle of direct confiscation of landed property, and proposed to abolish the privilege of redemption, which was formerly proposed to be admitted. This was of itself a great act of oppression and unfairness towards the landed proprietors. Now, as to the newly-appointed Commission which his Majesty's Ministers proposed to send forth to make researches upon the subject of Church property,—there were in his recollection two precedents for such a Commission. The first was in the time of Henry 8th, who, when he was about to spoliate the property of the monasteries of England, first appointed a Commission, just such a Commission as the present one, to inquire into the propriety of such a proceeding. It was needless to add, that the result of their Commission's labours was just such as was expected and desired, and the abbey revenues of England were accordingly seized. The next precedent he would mention was on the occasion of the annual meeting of the Catholics in Dublin in 1825, when Mr. O'Connell (he spoke of that Gentleman now as a member of the Catholic Association, without reference to his subsequent conduct in any other place), Mr. O'Connell on that occasion promised the people of Ireland a new Catholic Association, and that one of its first objects should be to have the population numbered, and also to ascertain the value of every Church living in Ireland, distinguishing the amount of Church-cess, of parish-cess, and the salaries or emolument of every parish officer, and of every clergyman in Ireland, not only of the Established Church, but Presbyterians and others. Such was the promise of Mr. O'Connell on the occasion to which he had alluded; and really the precedent was so very exact, that it might very well be followed on the present occasion by his Majesty's Ministers. In his conscience he believed the object of the present Commission to be of the

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* Hansard, vol. viii. (new series) p. 390.
† Ibid. p. 407.
‡ Ibid.

most dangerous nature. He felt convinced, that it must work the greatest mischief in Ireland, stirring up the mouldering embers of religious animosity throughout the land, and exciting jealousies and feuds of the direst and most distressing kind. The Commission was issued for no other purpose than as a sort of plank on which the remnants of a disjointed Cabinet might hang together, and, without one principle to guide them in their reckless course, float for a short time longer upon the stagnant waters of public opinion, in whose dark and deadly depths they must eventually perish. To add a little longer term to their wretched and lingering existence, had they adopted the notion of issuing a Commission which he (Mr. Shaw) could never cease to regret, and the ill effects of which it was difficult and melancholy to contemplate. The Government had altered this Bill and issued this Commission for no other than this short-sighted and selfish object, because they had not the manliness and the firmness to act upon their own responsibility and their own declared opinions.

Mr. Secretary *Rice* said, that an imputation more grave and serious than that which the House had just heard pronounced had never been cast against any set of men holding the responsible situation of advisers of the Crown. In the first place, the hon. and learned member for the University of Dublin, had taxed his Majesty's Government with such a degree of insincerity and duplicity, that no individual among them could ever dare to hold up his head again if the charge were in any way well founded. The hon. and learned Member charged his Majesty's Ministers with having endeavoured to delude all the parties in that House upon a measure of vast importance like the present, for the mere purpose of prolonging a wretched and lingering existence in office, and of disgracing themselves before the country by conduct at once unwise and dishonest. They were accused of wishing to seduce the House into a Committee upon this Bill, for the purpose of acknowledging a principle upon which they intended to do something, but which something they had not in any way agreed upon. Why the principle had been avowed at the announcement of the Commission which had been made during the discussion of the motion brought forward by the hon. member for St. Alban's, and from the admission then made, the Government would not shrink. Why, then, seeing the principle involved in the inquiry about to be entered into, were they told, that the Commission was a mere delusion? The principle involved in the Commission was the same as that involved in the resolution of the hon. member for St. Alban's, and the object of the Commission was, to ascertain the exact state of the population with regard to the Established Church, and to know whether the revenues of the Church exceeded the amount necessary to its suitable maintenance, with a view that any surplus or excess may be submitted to appropriation by the Legislature. In what way the surplus, if any, was to be dealt with, was a question for after-consideration; but he might state, that one of his objections to the resolution moved by the hon. and learned Gentleman was, that it extended the objects too much to which this property might be appropriated. The principle upon which they were called upon by the hon. and learned Gentleman to give judgment was so ill-defined, that it would be impossible to know to what uses it might be applied. He might state, as had already been declared by his noble friend near him, that in no instance could any such surplus be appropriated to the use of the Roman Catholic Church. Upon this consideration alone, therefore, his Majesty's Government had sufficient cause, with the strictest regard to consistency, to object to the resolution of the hon. and learned member for Dublin. For, suppose that resolution were to be agreed to, might not the Catholic Church be then said to fall within the purposes of public utility and charity? This interpretation might really very fairly be put upon the words of the hon. and learned Member's resolution. The hon. and learned member for Dublin University (Mr. Shaw) said, that the issuing of this Commission would lead to the most formidable results; whilst the other hon. and learned member for the same University (Mr. Sergeant Lefroy) had a little previously declared, that, so far from the inquiry which it was proposed to institute having in itself any dangerous or mischievous tendency, if the measure before them had no views to ulterior spoliation, he should not oppose, but rather rejoice at, such a Commission, because it must eventually tend to prove, that the Church

Establishment of Ireland had been grossly overrated and misrepresented. It was odd, too, that hon. Gentlemen who complained of the Commission, could forget, that an order similar to the Commission had been before made, and returns had been called for of those parishes in Ireland which contained fewer than fifty resident Protestants, agreeably to the 116th Clause of the Church Temporalities' Act. This order was exactly conformable to the principle contained in the Commission. When these returns were sought for, the colleague (Mr. Lefroy) of the hon. member for the University of Dublin, stated, as he had stated with respect to the Commission, that if the inquiry was undertaken for no purposes of spoliation, but merely to ascertain the number of Protestants in Ireland, so far from being opposed to it, he was glad of the investigation, as it would serve to confirm the statements which had already been made with regard to their numbers. Was it not extraordinary, after this statement, that the House should be told, that the Commission was to lead to all those consequences fatal to the peace of Ireland, which had been so eloquently anticipated. The hon. and learned member for the county of Tipperary said, that he did not object to the nature and purpose of the Commission, but that he feared it comprehended too many and too extensive subjects, and would occupy too much time. Undoubtedly that was an objection of a very different character; but it was sufficiently answered by the assurance, that every possible effort should be made to facilitate this inquiry, and to conclude it with all despatch. He did not know, that there was any impropriety in the inquiry projected by the Roman Catholic Association, which had been alluded to, for a similar inquiry had been approved of by the hon. and learned member for Dublin University. On that occasion, the question of appropriation was not raised —the object merely was, to ascertain the exact state of the people of Ireland, according to their sectarian distinctions; and the order which was made for their enumeration then, was almost precisely the same as that which was so lately suggested; and yet, in the one case it was termed fatal, and in the other considered innocuous. In every part of the statement of his noble friend, as to his own individual opinions on this question, he entirely concurred. The declaration of his noble friend went to this—that an inquiry should be instituted into the amount of wealth possessed by the Protestant Church of Ireland. The object was, to bring before Parliament the amount of the property of the Protestant Church in Ireland, as compared with the number of persons professing the Protestant Religion in that part of the Empire; and his noble friend affirmed, that in the event of its appearing that the property of the Protestant Church in Ireland was out of proportion to the duties required of its ministers, he would be prepared to support a proposition for Parliament to apply that excess of funds to other uses. This was what he understood his noble friend to have said, and in this he entirely concurred. Hon. Members must be content with the declaration of principle, which was all that they were called upon, under the present circumstances, to decide. He had his own notions on the ulterior destination of the funds, and he had often stated them in the House. Those opinions, he should be prepared again to express, when a fit opportunity occurred; or if he was convinced they were wrong, he should be willing to abandon them. The present was not, however, the time for that discussion, because they could not now found upon the discussion any practical measure. He entirely agreed with his noble friend, that the Roman Catholic Church was not one of the purposes to which he could contemplate the appropriation of any portion of these funds; but there were purposes connected with the original grant of this property to which it would be fully competent for this House to apply the surplus. He should regard as surplus the excess beyond the real wants and necessities of the Protestant Church in Ireland; but he, for one, would not consent unduly to diminish the amount of property necessary for the religious instruction of the Protestant population of that country. It was not necessary to adopt any such course; and he was sure there were many Members who gave their hearty assent to the principle of the future parliamentary appropriation of this property, who would be the last men in the world to leave the Protestant population of Ireland, as described by the hon. and learned member for the University of Dublin, without adequate means of religious instruction. The maintenance of the proposition, that it was competent for Parliament to diminish the surplus wealth of the Protestant Church, provided it did not diminish the efficacy, did not lead to any such consequence; for if it did, he should be the first to oppose such a conclusion. But, did the hon. Gentleman think, that he could defend the present position in which the Protestant Church was placed? Was he prepared to take his stand there, and to deny that, as compared with the Church in England, the Church in Ireland was endowed with an excess of wealth? If he admitted that it was so, how were they, as Legislators, to defend it? Could we be justified in making a larger provision for the Protestant Church in Ireland, than for the Protestant Church in England? That was really the practical way of bringing the question before the House. If, then, the House would not go with the hon. Gentleman in asserting the necessity of making a larger provision for the Church in Ireland, where Protestants were few, than for the Church in England, where Protestants were many, how were they to deal with the surplus? Let him suppose this case—that in the plan of the confiscation to which the hon. Gentleman had adverted, consequent on the dissolution of the monasteries, in the time of Henry 8th, the landed estates of the abbeys, and the whole ecclesiastical property in Ireland, including the lay tithes, had been vested in the Church, could any one say that, under such circumstances,—that Church monopolising the greater part of the landed property in Ireland,—no case could be made out for the interposition of Parliament, in regard to such a large excess of wealth? If, then, he admitted that, in such a case, Parliamentary interference would have been justifiable,—a case which, speaking historically, was much more likely to have occurred than that which had taken place,—would he say, that the principle was not the same on the present occasion, or that the difference was more than a difference in degree? Must the hon. and learned Gentleman not be compelled to admit, that a case of excess might be made, which to the Protestant Church of Ireland might be a matter of obloquy and reproach?—must he not admit that such a case would require the interposition of Parliament? And if so, he asked the hon. and learned Gentleman, whether the present case of the Protestant Church in Ireland did not require it? They had been asked, why not pass this resolution? Because there was no sufficient Parliamentary evidence on which to rely; and because it was an hypothetical resolution. If he were to legislate on his own knowledge and conviction, he might say, that there was an excess of wealth. He was prepared to say, too, that the safety of the Protestant Church would be best consulted if its wealth were diminished. But was that private knowledge and conviction ground for a Parliamentary proceeding? Suppose that Ministers had come down to Parliament with such a resolution as that moved by the hon. and learned Gentleman, how should they have been met? Would not those very Gentlemen who now objected to asking for information, have then asked, triumphantly, "On what data do you presume to say, that there is an excess? The statements on the subject are conflicting. One Gentleman says, that the number of Protestants in Ireland closely approaches 2,000,000; another reduces the number to one-half; which is correct?" Must not Ministers be able to answer such querists? He thought they must, and thought, therefore, that information was necessary. Would it not be better, before affirming the assertion contained in the resolution of the hon. and learned member for Dublin to ascertain the facts, and act on the distinct knowledge which it was the object of the Commission to obtain? The hon. and learned member for the University of Dublin had referred to past declarations and votes, and referred to the authority of Lord Plunkett. They might also refer, perhaps, to his conduct, of which he would not complain, as that was, of course, open to animadversion; but if any allusion should be made to the past language or conduct of so humble an individual, he hoped the House would permit him to have an opportunity of explaining and justifying it. He hoped, when his whole conduct was taken altogether, and so judged of, and not piecemeal, no charge of inconsistency would lie against him. To the present motion he was decidedly opposed, because it was vague and indefinite, and made an assumption of which sufficient evidence was not before the House.

Sir *Robert Peel* found it quite impossible to resist the appeal which had just been made to the House by his right hon.

friend; and he would therefore tell him what were the objections which he felt against the Commission which had been issued. He would endeavour to satisfy his right hon. friend by stating as briefly and distinctly as he could the grounds of his objections. He objected, then, to the issuing of this Commission, because up to this hour, judging from the speeches of his Majesty's Ministers, the motives assigned for it were unintelligible. He objected to the issuing of this Commission, because, if ever there was a time when the King's Government should have attempted to settle the unsettled opinions of men upon questions of property, this was the time. He objected to the issuing of this Commission, because all the information which was necessary to enable the Executive Government to form an opinion on the general principles of the measure which they evidently contemplated, was already in the possession of the Government. He objected to the issuing of this Commission, because it was calculated, in a country already convulsed to its centre by religious discord, still more to embitter every existing source of irritation. "This Commission, indeed!" said the right hon. Baronet; "You separate yourselves from colleagues whom you admit to be of the highest character, on the great principle, as you say, of this Commission. The principle on which they have rather separated themselves from you is, that they differ from you as to the moral and equitable right of Parliament to appropriate to other than Church purposes the property of the Church. You have, however, consented to that separation; and under such circumstances, with all the elements of confusion which are now abroad, is it too much to ask the Ministers of the Crown, what are the principles on which their administration is formed? You objected to the Motion of the hon. member for St. Alban's which asserted a fact, and maintained a principle, and you now object to the Motion of the hon. and learned member for Dublin, which contains no fact, but asserts the principle that Parliament has a right to appropriate to purposes of public utility the revenues of the Church of Ireland. You say that your principle is in your Commission. I look at your Commission and find it headed — what?—Appropriation of the revenues of the Church of Ireland to secular purposes? No; I find it headed 'Public Instruction.' The Commission into which you tell me to look for your principle is headed with a fraudulent title. It bears on the face of it 'Public Instruction (Ireland),' as if its mere object were to add one other to the countless inquiries that have already been made into public instruction in that country. When an attempt is made to explain the real objects of this Commission, there is manifest contradiction between the members of the new Government. The noble Lord (Lord John Russell) says, that he has made up his mind that the Church in Ireland is the greatest grievance of which any country ever had to complain; but the right hon. member for Cambridge (Mr. Spring Rice) —he an Irishman—he who knows more of Ireland than any other member of his Majesty's Government—adopts a tone, in speaking of the Church, directly different from this. He says, indeed, that he has certain notions on the subject, but that this is not the time at which he thinks it proper to explain them. He is bursting with practical knowledge—his life has been spent in Ireland—he has originated and directed inquiries in every form bearing upon this particular subject; nay, he has made up his mind to the principle on which we ought to act, but, instead of enlightening our ignorance, and announcing his principle, what is the course which he intends to pursue? He consents to new inquiries, which, judging from the experience of similar inquiries, cannot be completed if they be properly conducted, within a period of four or five years. All Ireland is impatient for some decision—Church property is in danger—the authority of the law is daily declining through indecision and suspense,—and his Majesty's Government, instead of leading the public mind, by pronouncing an opinion on this subject, issues a Commission "to our trusty and truly beloved Thomas D'Oyley, Sergeant at Law, Thomas Lister, John Wrottesley," and so forth. They despatch to Ireland a set of Gentlemen, most of whom probably were never in Ireland before, to institute minute inquiries into every single parish of that country, for the purpose of collecting, according to the Lord Chancellor, statistical information. Well, but all the information as to facts that you can require, you have already. There is nothing contemplated by the Commission which is not at hand, excepting indeed one thing—one thing, which I should have thought the King's Government, and not Sergeant D'Oyley and his brother Commissioners, was the proper authority to consider and to decide upon—namely, the moral and political bearings of the Church Establishment upon the social interests and condition of Ireland. I will prove to the House that you are now in possession of all the elements which you can require for the formation of your judgment as to the practical course which ought to be pursued. Take, if you please, additional time for consideration, but do not insult us with the mockery of needless and mischievous inquiries. Do not employ your trusty and well-beloved Sergeant D'Oyley and a host of well-paid Commissioners upon functions which are the proper functions of the King's Government. I proceed to the proof—that so far as mere inquiry into facts is concerned, this Commission is perfectly superfluous. On the face of it, it contemplates three main objects of inquiry; first, the population of each parish in Ireland, and the proportions of each class, Churchmen and Dissenters; secondly the means of education which exist throughout Ireland; and thirdly, the present revenues of the Church. Are not those the three main points on which the Commission is to collect information? I will prove to demonstration, to the conviction of every man who listens to me, that you are in possession of the fullest information respecting those three heads of inquiry, and that this Commission is the greatest delusion ever practised upon a credulous assembly. First, let us consider the inquiry as it respects the population of Ireland. Before you are to do anything consequent on the labours of this Commission, you are to obtain a report on the state of the population in each parish in Ireland, and the respective numbers of the Established Church, and of Roman Catholics, and of Dissenters. Observe, these inquiries are to be conducted on the spot. The Commissioners must repair in person to each parish—and there are 2,500 parishes in Ireland. By the terms of the Commission, the Commissioners are bound to make their appearance in every parish, and to ascertain these points on the spot by the best evidence they can procure. Now, we have the Population Returns for every parish in Ireland up to the year 1831. Those Returns were only printed in 1833, and yet it is now proposed, in 1834, that we should issue a new Commission to procure fresh information as to the population of each parish in Ireland. But not fewer than 1,200 persons were employed in making and collecting the last Population Returns, and I find that each enumerator in the county of Waterford had 45*l.* 10*s.* for his trouble. If, then, the enumerators were all paid at the same rate, the cost of enumeration alone would be 54,000*l.* I admit, that you do something more by this Commission than merely enumerate; you distinguish the Catholic and Protestant population in each parish. Up to this hour you have carefully avoided marking that distinction of religious creed. You have been pressed heretofore upon this point. You have been called upon to make a Return of the number of Protestants and Catholics respectively employed in the police and other departments of the public service. The answer which you have always given, up to this day, to such applications, was—'No, we have removed the Catholic disabilities—we have rendered all classes of his Majesty's subjects equal in the eye of the law, and therefore we cannot consent to recognize in official records any distinction between Protestants and Catholics.' This Commission, however, is to travel into each parish to ascertain, not only the amount of the population, but also the exact proportion between those who assent to, and those who dissent from, the doctrines of the Established Church. As far as the population of Ireland is concerned, with the exception of that mischievous distinction which the Commission is to make between the Protestant and Catholic parts of it, you have the fullest and most accurate Returns which you can require. Then as to education. If there be any subject on which your information respecting Ireland is complete, it is this. I will commence by reading you an extract from the Education Report of 1828 drawn up by the member for Cambridge (Mr. Spring Rice). He says, 'Inquiries have at 'different periods been instituted both by 'Committees of Parliament and by Parliamentary Commissioners, appointed for 'the purpose of considering the state of 'education in Ireland. Of these, the most 'important are the two latest. The first 'of these Commissions was issued in 1806, 'and produced in six years fourteen Reports. The second Commission was 'issued in consequence of an Address 'from the House of Commons to his 'Majesty in 1824. This last Commission 'has led to nine Reports.' So that you have now twenty-three Reports on the subject of education in Ireland. I will present you with a specimen of one of them. This [The right hon. Baronet held up a large folio volume] is one. Perhaps you think that these Reports do not enter into sufficient details. Now, if ever a book was encumbered with details in quantity sufficient to afford the fullest information to the greatest statist that ever lived, this is that book. It ought to satisfy the most ravenous appetite for statistical information. It contains an account of every school in Ireland, of the barony in which it is situate, of the diocess to which the barony belongs, and the name of the townland or place in which the school is established? Are you not content with this? Are you desirous of knowing the names of the master or mistress of every school in Ireland?—you have them in these Reports. You would, perhaps, wish to ascertain the religion of the masters and mistresses whose names you know? That, also, you will find in these Reports. Nay, more, under the next head you have information whether the school be a day-school or a free-school; then you have an account of the income of the master or mistress; and next you have a very exact and minute description of the school-house. This volume contains 1,333 pages; and I will take one instance out of it—the school at Ballibay. And yet 'our trusty and well-beloved Thomas Doyley, Serjeant-at-law,' with ten learned coadjutors, is to be sent to examine into the state of this school. The entry states, that the school of Ballibay is in the diocess of Clogher, in the townland of Clogher. The name of the master of the school is Riley, and Riley is a Protestant. His average income is 11*l.* 3*s.* The school-house is a thatched-house; it has a clay-floor; and it cost 6*l.* 14*s.* Among the scholars there are fifteen Protestants of the Church of Ireland, thirty-six Presbyterians, and thirteen Roman Catholics. That, be it observed, is the Protestant Return; but do not suppose that one Return is sufficient—for the purpose of checking the first, a second and a Catholic Return was also sent in, and it states the Protestant scholars of the Church of Ireland to be twelve, instead of fifteen, the Presbyterians to be fifty-six, and the Roman Catholics to be twenty-two. But this is not all—the number of male scholars is fifty, and of females forty. The school is assisted by the Hibernian Society in Sackville-street. The Scriptures are read in it, according to the authorized version. Now, surely here is information in abundance respecting the school of Ballibay, and information equally abundant respecting every school in Ireland is at this moment in your possession. We come to the last head of inquiry,—the state and value of the benefices in Ireland. You have three Commissions at this moment in Ireland making inquiries into that point. In the first year of his present Majesty's reign, you issued a Commission to inquire into the state of the several parochial benefices in the respective dioceses in Ireland; first, whether they are separate or united parishes; secondly, what is the annual value of the several parishes; thirdly, the contiguity of the several parishes in a union to each other; fourthly, the fitness of dissolving such unions; and lastly, the amount of the salaries paid to curates. In the third year of the reign of his present Majesty, you issued another Commission, and this is the recital of it: 'Whereas we have 'thought it expedient, for divers good 'causes and considerations us thereunto 'moving, that a full and correct inquiry 'should be forthwith made respecting the 'revenues and patronage belonging to the 'several archiepiscopal and episcopal sees 'in Ireland; to all Cathedral and Collegiate 'Churches; to all ecclesiastical benefices, 'including donations, perpetual Curacies, 'and chapelries, with or without cure 'of souls, and the names of the several 'patrons thereof, and other circumstances 'therewith connected.' In that Commission, which is not purely Ecclesiastical, are the names of Lord Plunkett, the Duke of Leinster, the Marquess of Downshire, Lord Ormond, Sir Henry Parnell, and Sir John Newport. Have you not, then, two Commissions to supply you with all the information you can want relative to the value of every benefice in Ireland? But even this will not satisfy you, for in the last year you instituted another Commission, and you passed an Act compelling a valuation of every living in Ireland—compelling a valuation, in order that a tax might be levied upon the living—and compelling a return of that valuation before the 1st of December, 1833. Moreover, you gave to this the third Commission by Statute the power of administering an oath to all persons who came before it. The Commission now issued has not that power, and is, therefore, less complete. Then, again, I ask, as I am surely entitled to ask, for what object is this new Commission issued? For what other object can it be issued, but that you may be enabled to conceal for a time your own differences, and postpone the evil day of practical decision? Do you really think, that it can conduce to the tranquillity of Ireland to keep the great principle which is involved in these discussions in abeyance till such complicated and miscellaneous inquiries can be completed, or that long delay can have any other result than to increase present difficulties? Sir, the question is simply this—has Parliament the right—not the abstract legal right, for who can doubt its right in that sense—but has Parliament the moral and equitable right to appropriate Church property to secular purposes? And is it safe, in times like these, to set an example of such interference with property? You claim for yourselves the merit of speaking out. I deny that you speak out. I say that the opinions publicly delivered by the members of the King's Government are at variance with each other. With the exception of the right hon. Gentleman (Mr. Ellice), who certainly did speak out, all the opinions which I have heard leave me in great doubt as to what are the ultimate intentions of the King's Government. They speak not of the present—but throw out some vague intimations of the course they may take under certain contingencies. In the present state of the revenues of the Church in Ireland, I cannot conceive what object of public policy can be served by mooting the hypothetical case, that if any surplus is found to exist, it shall be devoted to secular purposes. Why not reserve the declaration of a principle till you have ascertained the fact on the existence of which its application depends? At one time you say you do not think it necessary to announce your principle till you have gathered information. The right hon. Gentleman (Mr. Rice) cheers me when I say, that you reserve the annunciation of the principle. If that be his opinion, how does he reconcile it with the speeches which some of his colleagues have delivered this evening? The noble Lord says—I took down his words—' If there be a surplus, whatever the amount of the surplus may be, I would devote it exclusively to moral and religious purposes.' The noble Lord then contests the right of Parliament—I speak of the moral and equitable right, and not the absolute right—to devote it merely to secular purposes. [Lord *Althorp*: No.] What, then, is the meaning of the noble Lord's saying, that he will devote it only to moral and religious purposes? How does this property of the Church, I would ask him, differ from other property, as for instance, property possessed by corporations? If it differs altogether in its nature from other property, why has not Parliament an absolute control over it. I can understand the man who tells me, that he considers all property, lay or ecclesiastical, —individual or corporate—to be sacred. I can understand the man also who says, ' If I can promote the doctrines of the Gospel, I consider myself at liberty to promote them, by another distribution of the revenues of its ministers than that which was originally contemplated.' Again, I can understand the hon. and learned member for Dublin, who says, the Church property was granted for Catholic uses, and therefore he claims it for such uses; but I cannot understand the noble Lord, who tells me that he respects the right of property, and yet is ready to divert the property of the Church from ecclesiastical purposes. If the noble Lord had contended, that the revenues of the Church were given for religious purposes, and that he will, therefore, apply them to the maintenance of the Catholic religion, he might be intelligible, but ' No,' says the noble Lord; ' the object from which I would specially except the appropriation of the revenues of the Church is the Catholic religion.' How narrow, then, is the ground on which the noble Lord takes his stand. One Gentleman has claimed the right for Parliament to appropriate, if it should so think fit, the revenues of the Church to New South Wales; but this, says the noble Lord, would be little less than sacrilege. But if Parliament has a right to appropriate the revenues of the Church at all, why has it not a right to appropriate them, if it pleases, to the benefit and improvement of New South Wales? The Gentlemen who pride themselves on speaking out, as they call it, do not even understand the distinctions which they themselves draw. The noble Lord in this House, and the Lord Chancellor in the other House of Parliament, have expressly excluded the

Catholic religion from the benefit of this appropriation. 'We have already provided,' say they, 'for the Presbyterian religion, and we will on principle exclude the Roman Catholic.' To what object, then, are you to appropriate the property of the Church? I am speaking now of those who say, that they speak out, and for my life I cannot understand them. The noble Lord (Lord Morpeth), the member for Yorkshire, who speaks always with great ability, and certainly with very mature deliberation, said, that he much doubted whether we had a right to appropriate the surplus, supposing it to exist, to any purposes of charity not directly connected with the Protestant faith. The noble Lord has, it appears, a lingering respect for the property of the Church; but he would have the Church hold it by a singular tenure; for says he, 'If the young men at Oxford continue to make a riot in the theatre as a proof of their attachment to the Church, I cannot respect Church property any longer.' The noble Lord is uncertain as to the existence of a surplus; but if there be a large surplus, he is doubtful whether we have a right to apply it to the mere purposes of charity. He abjures also the notion of appropriating it to the maintenance of the Catholic religion. He will not do more than appropriate it, for I took down the noble Lord's words as he spoke them,—he will not, I say, do more than appropriate it to 'moral, spiritual, and Christian consolation.' [Lord *Morpeth:* I did not say consolation —I said edification.] Well, then, edification. If there be a surplus, it is to be confined, according to the noble Lord, to moral, spiritual, and Christian edification,—but edification in the Protestant religion—for the noble Lord would exclude the Roman Catholic religion from any participation in the revenues of the Establishment." Now, the advantages to be derived from this species of spoliation appeared to him to be so exceedingly small, that he, for one, would not consent to violate the great principle of prescriptive right to obtain them. He would not undermine the foundation of all property, in order, if there were an excess of Church property over the legitimate wants of the Church, to devote that excess to the moral, spiritual, and Christian edification of the people. He could not discover the distinction between the two purposes. For what was the Church intended, but for moral and Christian edification, if the term "Christian" implied, as the noble Lord meant it to imply, the doctrines of the Established religion? Here was a species of property resting on the prescription of 300 years, the inviolate maintenance of which was decreed at the Union of the two kingdoms. The hon. member for St. Alban's, in his speech the other night, had said, that there was no condition of inviolate maintenance imposed upon Parliament at the time of the Union. In support of that position, the hon. Member had referred to certain speeches of Mr. Pitt, in which the right of Parliament was asserted to deal with certain matters which were not very clearly defined. But he affirmed, that the expressions of Mr. Pitt had no reference whatever to the right of Parliament to deal with the property of the Church, but had reference to the necessity of reserving to Parliament the right of removing the civil disabilities that pressed upon the Catholics. To prove that position, he stated, that the Irish Parliament had sent over to this country certain resolutions as the conditions on which they would assent to the Union, and those resolutions were confirmed by the Parliament of this country, and sent back to Ireland. In those resolutions it was expressly stipulated, that every right and privilege which the Church of Ireland had enjoyed before the Union should be preserved to it after the Union. Now, under the terms 'rights and privileges,' who could doubt that the right of the Church to its property must have been included? Here, then, was a right of property resting upon prescription confirmed not merely by an Act of Parliament, but by a solemn national compact; and should he violate that right with a view to devote an unascertained and very doubtful surplus to purposes so vaguely and unintelligibly defined? If Ministers had told him, that they had ascertained there was a large surplus, that a splendid robbery might be committed, that they had the means, through that robbery, of lightening the public burthens, he could conceive profligate men rejoicing in a magnificent spoliation, and dreaming, that the gain was an apology for the crime. But what were the facts of the case? There were 2,450 parishes in Ireland, and 1,200 churches were now existing for the performance of the service of the Protestant religion. Was it meant to abandon or maintain those churches? Did they mean to appropriate them to purposes other than those to which they were now applied? After deducting the lay advowsons, the property of private individuals, which stood on quite a different footing from the rest, and could not be pretended to be the property of the State, if the whole Church property of Ireland were divided equally among all the parishes (a principle which he hoped never to see adopted), the result would not be such as to indicate any extravagant surplus, after making an adequate provision for the incumbents of the several parishes. He repeated, that he objected altogether to the principle of an equal division of Church property—he did so, because he wished to see the present incentives to exertion continued, and because he conceived it fitting that the clergy should be enabled to exercise an appropriate influence, not only on the lower, but also on the higher classes of society. He saw no reason why the spiritual profession should be degraded, and why there should not exist inducements calculated to attract men of talent and attainments to the Church, as well as to the bar and other professions. But suppose they were to adopt the principle of equal distribution, he doubted whether it would give an income of 300*l.* a-year to each incumbent. The right hon. Gentleman, the member for Cambridge, seemed to rate the Irish Church revenues higher, and said, that if he found that they would give an average to each benefice of 500*l.* a-year, while, in England, the average did not exceed 300*l.* a-year, the difference would afford a conclusive reason for diminishing the Church revenues in Ireland. He denied that position altogether. There might be good reasons for paying clergymen more in one country than in another, on account of the greater privations which they must endure, and other more unfavourable circumstances of their situation. The hon. and learned Gentleman (Mr. O'Connell) made a remark pregnant with truth. He intimated, that in these times, revolutions in opinion were not effected in centuries or years, but in months. It was on account of the rapidity of such revolutions that he had called on his Majesty's Government to exert themselves to arrest the progress of destructive opinions, and sway the public mind by a positive declaration of their own sentiments. There would have been less danger in the Government declaring their opinion, that a surplus did exist, and they were prepared to appropriate it, but to preserve the remainder, than in leaving the question open as they now did. God forbid, that the Government should ever see reason to come to such a decision as he had referred to with respect to a surplus; but even that might be less dangerous than their present mode of dealing with the subject. Nothing could be more unwise than to raise a cry of "Church in danger" on fictitious grounds, because false alarms produced distrust and negligence, and rendered appeals vain when the period of actual danger arrived; but when one minister of the Crown told them, that the Church of Ireland was one of the greatest grievances of the country, when the King's Government countenanced the assertion, and when the Dissenters required a separation between Church and State, let not Gentlemen be scared from the performance of their duty, by the imputation, that they were raising an unfounded cry, and pretending fears for the safety of the Established Church which they did not really entertain. They asked not for the re-enactment of civil disabilities or religious penalties, but on this ground they took their stand (and by the blessing of God they would maintain it)—they would protect the connexion between Church and State, and the integrity of Church property. If it were said that was a novel doctrine, he said no; it was a doctrine repudiated only in consequence of those rapid revolutions in opinion to which the learned Gentleman had referred with so much exultation. The opinions which he held were identical with those which were held at no distant time by men who claimed for themselves the title of the warm and tried friends of toleration, and the protectors of civil and religious liberty. He spoke not of Burke, he spoke not of men who lived at times remote from the present—he spoke not of men who entertained political opinions in accordance with his own—he spoke not of doctrines accommodated to an unreformed Parliament, but of the sentiments avowed by members of the present Government since they came into office, with reference to the Irish Church. If the opinions that he entertained were extravagant, what could be said of those of Earl Grey? The noble Earl did him the honour of quoting an opinion which he had given in that House, and by that opinion, rejecting the erroneous construction put upon it, he was prepared to abide. He was ready to promote, by every means in his power, the maintenance and extension of the Protestant religion in Ireland; and if any mode were proposed by which men, really friendly to the Church, and actuated by *bonâ fide* intentions of contributing to its stability, could, by a different distribution of Church revenues, advance the interests of the Established Church, and extend its influence, he was ready to consider with favour such a proposal. In holding the opinion, that Church property ought to be devoted exclusively to purposes connected with the Established Church, in what respect did he differ from the opinions expressed by Lord Grey so recently as February, 1832? Earl Grey presented a petition from the inhabitants and landowners of Rathclaren, in Ireland, praying for the abolition of tithes and Church-rates, and that the Church-lands might be resumed and disposed of, for objects of common interest to all the inhabitants of the realm. The noble Earl said, 'he presented the petition as a peer, and in that capacity only. He, however, need scarcely state to their Lordships, not only that he did not approve of such a measure as the petitioners recommended, but that if a project of that nature were proposed by any one, it should receive from him the most decided and determined opposition. He saw the urgency of effecting some improvement in the mode of making provision for the clergy in Ireland, but he would unequivocally state, that he could never think of making any such improvement in the modes of providing for the clergy without fully securing to the Church its just rights.'* What also did Lord Plunkett say on the same subject?—'Obscure and humble individuals in Ireland might entertain the extravagant notion, that the Government of this country was not unwilling to sacrifice the rights of her Church. That such persons, looking at their station in life, might entertain such opinions was not very surprising—in them, perhaps, it was excusable. But it was a very different matter when suspicions of this nature were cherished and were disseminated by persons of high rank and influence in society.'* What was the Report made by the Tithe Committee, of which the Marquess of Lansdowne was Chairman? On what conditions had he been invited to accede to measures of Church Reform? Those questions would be best answered by a reference to the Reports of the Lords' Committee, and to a speech delivered by Lord Lansdowne in March, 1832. The Report stated: 'That with a view both to secure the interests of this Church, and the lasting welfare of Ireland, a permanent change of system will be required; that such a change, to be satisfactory and safe, must involve a complete extinction of tithes, by commuting them for a charge upon land, or an exchange for an investment of land, so as effectually to secure the revenues of the Church (as far as relates to tithes), and, at the same time, to remove all pecuniary collision between the parochial clergy and the occupier of land.' The second report had this paragraph—'The clergy are thus, in too many instances, deprived of that just and beneficial influence which their general conduct and habits so well qualify them to exercise, even over persons of a different religious persuasion; that, for the purpose of giving greater facility to effect such investments in land for the benefit of the Church, or exchange of land for tithes, all stamps should be remitted, and Government enabled to make advances to landlords.' Lord Lansdowne, speaking upon the same subject, said: 'Far be it from me, my Lords, to recommend those modes by which, in some places, the tithe has been removed on the principle of spoliation, and without an equivalent being paid to the Church to which it belonged; and I only allude to the modifications which have taken place for the purpose of showing that wherever the tax has been in operation it has been dealt with according to the circumstances of the country. In some places, as I have said, the Church has been spoliated of its property; but this is an example to be avoided and not to be imitated.'* 'It is impossible for your Lordships not to see in what an independent condition the clergyman will be placed by a commutation of tithes, as compared with the mode in which he receives his income under the present system.' 'It gives me great pleasure (continued the noble Marquess), as the organ of the Committee, to move the resolutions,' — and, of those resolutions this was the last—'that it is the opinion of this House, that with a view to secure both the interests of the Church and the lasting welfare of Ireland, a permanent change of system will be required, and that such a change, to be satisfactory and secure, must involve a complete extinction of tithes, including those belonging to lay impropriators, by commuting them for a charge upon land, or an exchange for, or investment in, land.'* These were the opinions of members of the Government, in 1832. If they had since changed their opinions, he was not the man to debar them from the right of reconsidering their previous sentiments; but it was but fair that they should manfully state the grounds of the alteration. Such, however, were the declarations made by some of his Majesty's Ministers on the subject of the Irish Church and its rights of property so recently as the year 1832. These same Ministers had, by their more recent declarations, placed this property on the worst possible footing. They had unsettled the minds of men on matters essential to the security of all property and all rights. In November next tithes must be collected, either by the Church or the Government. What was then to be done? The difficulty they might have to contend with would have been obviated by a declaration, on the part of the Crown and its advisers, in defence of Church property. When the tithe-payer heard that the opinions of the Government were not fixed, that they claimed a right to appropriate a possible surplus of Church property to secular purposes, he would be too apt to argue—'I was content to abide by the laws which recognize and protect property; but if you give them up and set the example of spoliation as regards the Church, I see no harm in following that example, and in preferring my claim to a share in the new appropriation.' "In my opinion, the property of the Church is protected by law—protected by prescription—protected by positive stipulation, as a condition of the Union—and if increased difficulties should arise in asserting the right to that property, I shall hold the King's Government, and their new Commission, chargeable for the consequences."

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* Hansard (third series) v. x. p. 3.

* Hansard (third series) v. x. p. 9.

† Ibid. p. 1276.

Lord *John Russell*: The right hon. Gentleman has brought against the Government two accusations; the one, that on a subject of so much delicacy and importance it has allowed its intentions to be known; the other, that it has not spoken out on this same subject in a manner sufficiently explicit. Without detaining the House by making one of these charges clash against the other, I am ready to declare at once, that it is impossible for Government to come to a conclusion as to the appointment of a Commission, without looking before appointing it, at the possible or probable consequences of its Report, and making up their minds, if a certain state of facts should be reported, not to shrink from the consequences, but propose such an appropriation of any surplus which may be found, as they may think advisable. It was the necessity of looking that question in the face which caused the late separation in the Government, and it is their fixed resolution to consider the question of appropriation, when the Commission now appointed enables them to do so on proper grounds, that constitutes the foundation of the agreement of the present Ministers. It is asked what reason is there for the appointment of the Commission? The answer is obvious—in order to obtain the information necessary to enable the Government to frame their measures. My reason for making the speech which the right hon. Baronet has referred to, was the pain I felt at the Minister being obliged to conduct the Government of Ireland by laws of coercion. On that occasion, however, I did not say, as the right hon. Gentleman supposes, that the Church of Ireland was the greatest grievance that any country had ever suffered—so far from it, I stated, that I thought the revenues of the Church ought to be reduced, because they were too great for its stability; thereby implying, that I desired and contemplated, by means of the measures to be adopted, the future stability of the Church. What is the passage which the right hon. Gentleman has misquoted? I stated, that the complaint of the people of Ireland against the appropriation of the Church revenues was as just a complaint as any people ever made. That was my opinion then, and is now—I have seen no reason to alter it. That is my reason for concurring heartily and cordially in the appointment of a Commission. You have seen Tory Governments passing Insurrection Acts; the present Ministers have been obliged to adopt severe and unusual measures; and if it be painful to any statesman to propose measures of an unconstitutional character, such measures must be peculiarly abhorrent to those who pride themselves on the name of Whigs. Not only have Tory and Whig Governments proposed such measures in turn; but the hon. and learned Gentleman opposite, the member for Dublin, showed himself willing last year to agree to many severe clauses in the Protection Bill, because he thought them necessary to put a stop to the system of marauding and outrage daily and nightly prevalent in Ireland. Looking, then, at this general concurrence in a painful and harsh conclusion, I do feel, that while, for temporary purposes, such measures may be necessary with a view to the security of peace, life, and property, it is the duty of Ministers to look deeper into the causes of the long-standing and permanent evils of that country. It is their duty to consider, that while there exists an affluent Church on one side, there are wanting on the other the means of moral control, which may guide the general conduct, and affect the social character of the people. I would endeavour, therefore, first by inquiry, and afterwards by appropriate measures, not merely to provide a temporary remedy for the evil, but a permanent system by which future Governments may be relieved from the necessity of adopting acts of coercion, and by means of which the affections of the people of Ireland may be conciliated towards the Government, and in favour of law and order. The question of tithes is, unfortunately, no new question. I will refer, on this point, to the opinions of some, who, from their situation in Ireland, and from taking a deep interest in its welfare, were well qualified to form a correct opinion. In the year 1807, when the Duke of Bedford was Lord-lieutenant of Ireland, he prepared a despatch which, indeed, the termination of the Ministry prevented him from sending, but which had been drawn up with great care, from the concurrent advice of Mr. Eliot, Mr. George Ponsonby (then Chancellor), and Mr. Grattan. With the leave of the House, I will read the commencement of that despatch.

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* Hansard (third series) v. x. p. 1282.

"Since the suppression of the disturbances in the Western Counties, I have been turning my attention to the particular causes of those disorders, with the view of suggesting, if possible, a permanent remedy for preventing, in future, the recurrence of so great an evil. Upon the best consideration I have been able to give to this subject, I am satisfied, that tithes, and the occasional rigid exaction of them by the farmers and tithe-proctors have been the chief and immediate causes of the late, as well as of many former, disorders in this country.

"Tithes, from the peculiar nature of this species of property, the perpetual fluctuations in their quantity and value, the difficulties insuperably incident to the modes of recovering and collecting them, have been often a subject of popular discontent; but, in Ireland, from the irritable temper of the lower orders of the people, the imperfect subordination to the laws, and the great proportion of the population being dissenters from the Established Church, they have been more frequently the occasion of popular commotion than perhaps in any other country. The high rents, especially of the smaller farms, of which the number is very great, may, also, have contributed to the dissatisfaction which has been so frequently and generally expressed against the payment of tithes in Ireland.

"It has, however, been alleged, that tithes were merely the pretence, and that a spirit of disaffection to the Government was the real cause of the late disturbances, and that the confederacy of the Threshers was formed for the purposes of rebellion. But I feel it my duty on this occasion to state, that from all the information that I have been able to collect, and from the observation of the Judges who tried, and the Crown Lawyers who prosecuted a considerable number of the Threshers under the late Special Commission, it does not appear that any thing treasonable existed in that confederacy. To avoid or diminish the payment on account of tithes was the main object they had in view. To this they certainly joined a reduction of the dues paid to the priest, and in some instances, a reduction of rents. In the years 1786 and 1787, when similar disturbances prevailed very extensively in the province of Munster, the very same objects were professed, and then there was not a pretence for suspecting, nor was it suspected, I believe, that any treasonable motive or purpose existed among the insurgents. I am well aware that a certain degree of disaffection exists among the lower orders of the people, and that a confederacy against the payment of tithes, at all times alarming, is peculiarly dangerous at present, and might easily be diverted in case of invasion, to the purposes of rebellion, and it is this very danger, which I feel to be great and urgent, that has led me to seek most anxiously some remedy for this permanent general source of discontent."

After an elaborate discussion of the subject, it is proposed, in the despatch, to resolve, that the amount of tithes received for the five years preceding, should form the basis of a commutation, that the commutation should take place in land, and, in the mean time,—

> "To assess, in the form of a land-tax, upon all the arable lands, in just proportion the amount of the present receipt for tithes—the land-tax to be collected from the occupying tenants in the first instance, and afterwards, on the expiration of their leases from their next immediate landlords."

If that opinion had been listened to in 1807, and a measure of permanent commutation of tithes had been effected, what evils might not have been avoided!—what contests might not have been spared! But the Government which succeeded the Whigs in 1807, far from thinking of providing a remedy for tithes, employed itself in raising the "No Popery!" clamour, and the original evil continued the source of renewed and augmenting irritation. With what degree of justice, then, I ask, is it now made matter of reproach to the Government, by those who thus misused a precious opportunity, that they endeavour, by means of inquiry, and measures to be founded on it, to repair the faults of former Ministers, and, if possible, retrieve the evils which long and cruel misgovernment has created? The right hon. Gentleman asks what effects the Commission is to produce? I will mention one effect which it has already produced, from the speech of the member for the University of Dublin. During the last year-and-a-half the House has heard the hon. Member frequently discourse on the vast increase of Protestantism in Ireland, informing them, that it was only necessary to build churches in order to fill them, and that the nominal majority of Catholics in Cork and other places spoken of by the hon. and learned member for Dublin was all a mistake. But now, no sooner is the Commission appointed, than the hon. member for the University of Dublin says, "Do you want facts?—I am ready to admit your facts." It is no inconsiderable point gained, if, after hearing these questions disputed by the hon. members for Dublin and the University, both able advocates, till my mind remained almost in a state of abeyance between their conflicting arguments and evidence, we should be relieved from doubt at once; and after all these disputes, when the members of the Commission had hardly met to lay down their course of proceeding, that one of those antagonists should have come down to the House and said, in his usual manly and straightforward manner, "Don't mind what I have been telling you about the increase of Protestantism for the last year-and-a-half.—Pay no attention to all the evidence I adduced, and all the asseverations I made; for I admit your facts." But I am not satisfied with this admission; I want facts established by better evidence than that of the hon. and learned Gentleman—by the best evidence that can be procured on the spot. The Commission can take no long time in completing its labours, perhaps not longer than till the commencement of the next Session. We wish to ascertain the number of persons belonging to the Established Church, the number attending divine service, and the increase of the members of the Established Church of late years. With respect to the great principle involved in the present question, I will state, though I know I shall be liable to misinterpretation, as clearly as I can, my opinion to the House. I consider that the funds of the Church are funds set apart and devoted to the purposes of moral and religious instruction. Not less than four prelates of the Establishment have recently published charges on the subject. I find them all concurring in this point—that the main use, if not the sole use, of the Established Church, is the religious instruction of the poor. Now, admitting, as I most fully do, that their defence of the Church of England on that ground is solid and perfect, and being ready, on the same ground, to defend the Church of England as far as my humble powers will permit me to do so; yet I must say, that when I turn to Ireland and inquire what is meant in that country by the religious instruction of the poor, it is a very bad answer to point out a parish containing 1,000 or 2,000 inhabitants, in one corner of which may be found a single Protestant family, and that the family of a Protestant gentleman. Such being the case, I am obliged to ask, with reference to the revenue of the Irish Church, whether it may not be applied, if not literally to the use of the Established Church, to kindred purposes connected with the religious and moral instruction of the poor? And I must say, that I think these purposes of education and of charity which, though not mentioned in the Resolution before the House, have been alluded to in the speech of the hon. and learned member for Dublin, will fairly come within the scope of legislation on the part of Parliament, whenever the results of the Commission appointed by Government shall be obtained. For, while I agree with my noble friend, and I believe with every other member of the Government, in thinking that the revenues of the Irish Church ought not to be diverted from their present uses for the purpose of endowing the Catholic Church, I at the same time see nothing inconsistent or wrong in the appropriation of a part of them for the purposes of education, which, while it is a religious and moral education, shall also be of such a nature as will allow Roman Catholics, as well as Protestants, to partake of it equally. Thinking that, in the furtherance of this object, and the object of charity, these revenues of the Irish Church will, in all probability be exhausted, and considering the Church revenues to be a fund set apart for the religious and moral instruction of the poor more especially, I feel relieved from the necessity of entering into the discussion of the question which the right hon. Baronet, the member for Tamworth, and other hon. Members, desire to raise,—viz., whether the revenues can be applied to any and what secular purposes. With respect to the absolute right of the State to appropriate the revenues of the Church to any secular purpose whatever, no man probably entertains a doubt; but as to the moral and equitable right of the State in practice, that is a question not likely to arise until every demand which can be made for the proper and due instruction of the people, and for the purposes of charity, shall be satisfied; and seeing no prospect of its arising with respect to these particular revenues of the Irish Church, I do not think it necessary to enter into a discussion as to what measures it may possibly be expedient to propose, if the Irish Church shall be found to possess any superfluous wealth not needed for the purposes I have mentioned. I may be stating, or at least may be supposed to be stating, the doctrines merely of a lay-man, which are not justified by a due regard for the interest of the Church,—doctrines which would possibly meet with reprobation, if broached in those meetings to which allusion has been made in the course of the night. I will, therefore, show the House, that these doctrines are the doctrines of churchmen themselves, by reading a short quotation from one of the charges of a most eminent and enlightened Prelate—I mean the Bishop of Llandaff. Speaking of Church property the right reverend Prelate says:—"All property is the creature of the law, and the same law which secures to individual owners the produce of their estates without limitation, and without inquiry as to the mode of its disposal, has wisely reserved for public uses a fixed portion of that property. The true question is, whether the uses to which it is appropriated are such as an enlightened Government can approve of, for we (alluding to himself and the clergymen whom he is addressing) by no means contend, that every appropriation once made, whether beneficial to the community or not, must be perpetuated." Notwithstanding all that has been uttered against doctrines of sacrilege and spoliation, as they have been called, my opinions on this question go no further than those of the right reverend Prelate, the Bishop of Llandaff. What I want to know is, whether the uses to which the revenues of the Irish Church are at present applied, are or are not beneficial to the community? This is the inquiry which the concluding words of the newly-issued Commission, which has been so tauntingly alluded to, direct to be made; and I say, with the Bishop of Llandaff, that because an appropriation of the revenues of the Irish Church has once been made, it must not, therefore, be perpetuated, whether beneficial to the community or not. Though not immediately bearing on the point I am now considering, I will, with permission of the House, quote another passage from the charge delivered by the same right reverend Prelate. It is as follows:—"Great as are the advantages of a special endowment for the support of the Established Church over a universal system of stipendiary payment, it must not be forgotten, sacred as the rights of property are, that the conditions upon which the endowment is held are quite as sacred as property itself." I, therefore, say, we have a right to inquire whether, in the case of the Irish Church, the conditions upon which it holds its present revenues have been properly observed; whether, in the first place, they have been observed on the part of the clergy, and whether, in the next place, however zealous the clergy may have been to perform their duties, there may not exist causes which in many instances prevent those conditions being complied with? There is another right reverend Prelate, whose opinions I will quote to the House, but for whose authority I do not entertain so high a respect as I do for those of the right reverend Prelate I have before alluded to, because the right reverend Prelate is in the habit of introducing a great deal too much of imprecation and violence into his discourses—I mean the Bishop of Exeter. In one of his charges, that right reverend Prelate said—"Whatever politicians or statesmen may say, if the revenues of the Church are insufficient for the proper instruction of the people, it is the duty of the Legislature to increase them." Now, will any man contend, that if Lord A or Mr. B have not sufficient property for their subsistence, it is the duty of the Legislature to increase their incomes? I have heard it continually asserted, that Parliament has no more right to interfere with Church property than it has to interfere with the property of any individual; yet the Bishop of Exeter says, and says truly, that if the Church property is insufficient for the purposes for which it was granted, it is the duty of the Legislature to increase it. But it must be equally true, that if the Church property is greater than necessary for the uses for which it was granted, a part of it may be taken from the Church. I am afraid of wearying the House, or I might quote from the work of one of the best writers on constitutional questions — I mean Mr. Hallam—a passage in which the writer draws a distinction between corporate and individual property. Should the present question be again discussed, I shall certainly come prepared with the passage to which I have referred. It has been said, that various commissions appointed by preceding Governments have exhausted the whole question of inquiry—that the amount of the revenues of the Church, and the state of education, are fully ascertained. With respect to the revenues of the Church, and those individuals who are in the enjoyment of them, I am ready to admit, that a very ample inquiry has been made and that a full investigation has been made into the relations of the members of the Church to one another. But there is one point, the gist of the whole question, which has not as yet been inquired into, and that is, the bearing which the Church in Ireland has on the condition of the people. This is the point with respect to which the Commissioners are particularly directed to inquire, and upon that question all our future legislation must turn. I am well aware, that on this subject, above all others, an attempt will be made to raise the cry of 'the Church is in danger!' Whatever success that cry may have, I am prepared to abide by the opinions which I have expressed. I am not prepared to continue the Government of Ireland without fully probing her condition. I am not prepared to propose Bills for coercion and the maintenance of a large force of military and police, without endeavouring to improve, as far as lies in my power, the condition of the people. In the same way, without intending in the least to injure the Church of England, but, on the contrary, wishing to maintain that Church, I am ready to relieve the Protestant Dissenters from everything like a civil disability of which they can justly complain. On this subject, as on the other, I know perfectly well to what we are liable. If the cry to which I have alluded should be raised and prove successful, and if that dissolution which has been invoked with such loud cheers by many gentlemen opposite take place, let it come; I consider I am doing my duty. I will not be a Minister to carry on systems which I think founded on bigotry and prejudice. Be the consequence what it may, however loud may be the cry raised, and whatever its success, I am content to abide by these opinions, to carry them out to their fullest extent, not by any premature declaration of mere opinion, not by attempting to introduce a Bill before I know the particular nature of the measure required, but by going on gradually, from time to time improving our institutions, and without injuring the ancient and venerable fabrics, rendering them fit and proper mansions for a great, free, and intelligent people.

Mr. *Ward* said, that after the statement of the noble Lord opposite, that the number of Commissioners, if found to be insufficient for making a report by next

Session, should be increased; and after the manly declarations of the other noble Lord, which had drawn forth such cheers, he trusted his hon. and learned friend (Mr. O'Connell) would not think it necessary to press his resolution to a division.

Mr. *O'Connell* said, that notwithstanding his thankfulness to the eloquent member for Coventry, and his admiration of the sentiments of the noble Lord, he could not comply with his request; he had to satisfy, not himself alone, but the people of Ireland. He must oppose the Bill in every one of its stages, if this resolution were not carried; he had no other alternative.

The House divided on Mr. O'Connell's Motion: Ayes 99; Noes 360—Majority 261.

HOUSE OF LORDS,

Tuesday, June 24, 1834.

Minutes. Petitions presented. By the Earl of Durham, from Oldham, for the Separation of Church and State.—By the Dukes of Wellington and Newcastle, the Marquesses Camden and Lansdown, the Earls of Warwick and Winchilsea, and the Bishop of Exeter, from a Number of Places,—for Protection to the Established Church, and against the Separation of Church and State.—By the Bishop of Carlisle and Lord Rolle, from four Places,—against the Claims of the Dissenters.—By the Earl of Durham, from several Bodies of Dissenters, for Relief from Church Rates and other Grievances.—By the Marquess of Westminster, from Salford, against the County Coroners' Bill.—By Lord Wynford, from Chester, against the Chimney Sweepers' Regulation Bill.

Dissenters' Admission to the Universities.] The Bishop of *Llandaff*, in rising to present a number of petitions against admitting Dissenters to graduate in the Universities, begged leave to observe that he was not, neither were the petitioners, actuated by any hostility towards the parties against whom the petitions were directed. He did not wish those parties to be deprived of any advantage which they could fairly claim; he did not wish that they should be marked by a stigma of any kind. It was merely on the ground of self-defence that the petitioners came forward, feeling that the constitutional liberties of the country were intimately connected with the system which at present prevailed in the Universities. He, for two reasons, concurred in the prayer of the petitions. In the first place, after long studying the subject, he was clearly convinced, that there was an essential and indissoluble union between the Universities and the Established Church, and he feared that the concession which the Dissenters called for, could only be granted at the expense of that union. Religion was the first and principal object to which the attention of Government should be directed, and the first ground which he took against allowing Dissenters to take degrees in the Universities was, that it would necessarily sever those institutions from the national Church. The second ground on which he relied, was stronger even than the first. It was, that religion was an essential part of education, and the admission of persons, without looking to the tenets which they professed, would be destructive of religious education. The greater part of his life had been spent in the performance of clerical duties, and he had thus been taught how important it was, to preserve this principle—the principle of religious education. If they lost that essential branch of education, they must confine themselves to matters of far less importance. It was not from his own experience alone that he had arrived at this conclusion. Several noble and learned individuals then present had lent their aid in founding an academic institution in this metropolis, and he believed, that in doing so they felt an anxious desire to make religion one branch of education. Such, doubtless, was their sincere and heartfelt purpose. With that feeling they had met and deliberated on the subject, but their deliberations all proved abortive, and they were unable to adopt any scheme of religion which could be studied at the same time with the various branches of science. On these two grounds —namely, that the connexion between the Universities and the national Church was, and ought to be, essential and indissoluble, and that religious instruction at the Universities could not be imparted as it was at present, if persons of all religions were indiscriminately admitted—therefore it was, that he was opposed to the measure now in progress for compelling the Universities to admit Dissenters to take degrees. It had been asserted, that though the students were called on to sign the thirty-nine articles, they were not required to understand them. Now, he could assure their Lordships that there was no laxity on this point. The invariable practice of himself and others was, to explain to the students what was the object of their signing the articles. They were signed for the purpose of satisfying certain authorities that the students were members of the national religion, a fact which they were bound to ascertain.

The Petitions were brought up.

The *Lord Chancellor* felt it necessary, after what had fallen from the right reverend Prelate, who had alluded to the London University, to trouble the House with a few remarks. A body of highly respectable individuals had founded King's College, London, on the principles adopted in the Universities—on the doctrines and discipline of the Established Church. Now, nothing could be more proper or more justifiable, than that the individuals who founded that establishment, who were all members of the Church of England, and all of whom agreed in the doctrine and discipline of that Church, should make it part of their system, if so inclined, that no student should be admitted to that University, unless he professed that religion to which they were themselves attached. Therefore, no harm whatever was done, if they exacted from the student a strict conformity with the Established Church. But it did not by any means follow, that the same plan which was applicable to King's College and to members of the Established Church, should also apply to the London University, or to any other establishment founded by persons who did not agree to the principles of the Established Church, and not three of whom perhaps agreed to any one of them. When individuals exclaimed, "But why do you set about founding an University excluding religious instruction?" He would ask them to consider and see how it was possible to found a University open to all, and yet to preserve a certain system of religious education. Was it meant to be said, that they ought not to have founded that University? Would any one get up at that time of day and say, "you have no right to found a University for Dissenters?" Would it be asserted, because Oxford and Cambridge kept them out, that it was therefore intolerable to found an establishment to which they might have free access? He should like to see, at that time of day, a specimen of such a reasoner, a specimen that would assuredly be fitter for a situation in the museum of a college than in its halls. He should like to see a specimen of the animal *bipes et implume*, possessing the voice and figure, but no other attribute of humanity, who would get up in his place and contend that it was criminal, irreligious, impolitic, and unfair, to found a University for Dissenters. Why? Because they were debarred from going to colleges that were established by the law of the land. [The Bishop of *Llandaff*—I advance no such doctrine.] It certainly was the custom on the other side of the way (Westminster Abbey, where a musical festival was held), where he and the right reverend Prelate had been that morning, for several individuals to perform together. There they had trios and duets; but on this side of the way it was found more convenient, though perhaps not so harmonious, for only one to speak at a time. By taking that course, the arguments of noble Lords were shorter and more intelligible. He should now take an opportunity of saying one word relative to King's College. He had already adverted to the principle upon which it was founded. He, as Lord Chancellor, was visiter of that college; but, from a feeling of delicacy, as a promoter of the London University, he did not exercise his visitorial functions. King's College had, however, his most hearty good wishes, and he recommended it to all persons, members of the Established Church, who felt objections to the London University. If a parent did not like to send his son to the London University, he said to him, "Then let him go to King's College." For his own part, he thought that those who objected to the London University on account of religious principle, ought to have a college in accordance with the tenets of the Established Church. But it would be said, "Oh! you might find some certain system of religion, to which all Dissenters would agree." They however, but little knew the human mind, who thought that any system could be laid down, and with reference to which all the Dissenters would agree. Many of those sects differed as much from each other as they did from the Church. He believed that some of them would rather come to the Church than agree with their brother sectarians. The law which regulated religious controversy, was very like the law which regulated gravitation—namely, it operated in the inverse ratio of the distance; and the nearer the theological disputants approached in their doctrines—the less they were divided from each other—the stronger was the power of repulsion. Those who founded the London University, were very anxious to teach Church history, biblical criticism, and all those branches upon which it was supposed that the different sects of the Church itself agreed. But they found that it was impossible to do so; for the Church would not agree with the sectarians, and the sectarians would not agree with each other. They had found zealous promoters of the University amongst men of different religious professions. Mr. Goldschmid, a Jew, had lent 7,000*l.* to the

University. That sum he had advanced to enable them to purchase land. A Dissenter had advanced as much, a churchman as much, and another, a fourth gentleman, a sectarian, as much. Of those who had raised this sum of 28,000*l.*, no two could agree to any plan of religious education. When this was found to be the case—when they found that no common feeling existed on the subject, those who were chiefly concerned in founding the University said, "Then, as you cannot agree with us who are of the Church, and as you cannot agree with each other, it is better to exclude this species of education altogether." This was not a matter of choice, it was the result of a controlling, of an overruling necessity. Secular matters might be compromised, but it was impossible to compromise that which was connected with religious feeling. It was, therefore, determined that the students should, in this respect, be taught at home, by persons of their own persuasion. With respect to the explanation which the right reverend Prelate had given as to the subscription of the thirty-nine Articles at the University, he would make one or two brief remarks. It had been heretofore stated, that this was a mere form—that it was intended that the student should not know what he subscribed. He was to learn that at a future time. The test was to be swallowed first, and to be digested afterwards. He signed in the first instance, and was afterwards to make up his mind on the subject. Now, however, the right reverend Prelate told them, that explanation was given at the time; that the person subscribing must have some understanding (more or less) on the subject; and that the meaning of his subscription was, that he thereby signified himself to be a member of the Established Church. Was it not, however, natural to inquire—"Why do you prefer the Established Church to other religions? Why do you subscribe to its doctrines and discipline?" To answer this, demanded an exercise of the understanding, and surely those who were called on to subscribe should, in the first instance, be examined. If he were asked to sign the thirty-nine Articles, such a proceeding could only be founded, and ought only to be founded, on the supposition that he understood those articles. But how could it be expected that a lad of twelve or thirteen years, could be able to understand them? Many noble Lords in that House did not understand them. He forgot the hundred points of metaphysical theology that might be, and had been, raised on these articles. He would not give his own opinion, nor trust to his own observation on this subject, but he would refer to one of the most learned and celebrated divines—he alluded to the Bishop of Carlisle—with respect to the complicated nature of the topics included in these articles. That right reverend Prelate had stated, that there were 100 points in these articles which required the deepest attention and consideration. He who agreed with them admitted this, but very many doubted much that was contained in the articles; yet they must be at once signed by every young man who went for his education to one of the great seats of learning, where, too, he was called upon to study theology. Yes, he who was called on to study theology—who was expected to plunge *inter abyssos theologiæ*—began with this conclusive declaration before he had studied at all. But if he merely signed his name, to signify that he was a member of the Church of England, did not this imply that his mind went with the contents of that which he had subscribed? Was it not to be supposed that he had exercised his thinking powers on the subject, and that having done so, he agreed with the doctrines and subscribed to the discipline of the Church of England? Could he subscribe those articles and not impose on himself a tie that would operate in future? He could not sign these articles, *de bene esse*, intending to understand them hereafter, and then to retain or reject them as he might think proper. If he did so, and chose to become a Dissenter, all the college, and all the quadrangles of the college, would re-echo with a word sounding very like "apostate." It would be said "Here is a man who signed the Thirty-nine Articles, and he now goes to a meeting-house."

The Bishop of *Llandaff*, in explanation, said, that observations had fallen from the noble and learned Lord, which he could only attribute to the imperfect attention that had been paid to himself while he spoke, or to the imperfect manner in which he had expressed himself. He had never alluded to King's College, on which the noble and learned Lord had made some observations; and with respect to the London University, against that institution he had certainly brought no charge. He was contending for the absolute necessity of some form of religious instruction being adopted for the benefit of those who partook of the general advantages of education, considering religion as the most essential branch of education; and in order to confirm his argument, he adverted to the conduct of the Council of the London University, who endeavoured themselves, though ineffectually, to introduce some scheme of religious instruction. He had stated distinctly, that he gave those individuals full credit for the sincerity of their intentions. He had said nothing that could possibly be supposed to imply a charge against them. He entertained no such feeling.

The Duke of *Wellington* objected to the practice of entering into a discussion of important questions on the presentation of petitions. The noble and learned Lord (said the noble Duke) has himself admitted the inconvenience of such a practice, and that questions of such importance as that to which this petition refers ought to be made matters of separate and deliberate discussion, and not to be introduced thus incidentally. But, my Lords, if I was surprised at the noble and learned Lord's departure from the general and more convenient practice of the House in this respect, I was much more so at the tone of his remarks. My Lords, the University of Oxford, or King's College, ought to expect from the high station of the noble and learned Lord, that he would have defended them from any attack, instead of attempting to put them down on this occasion by mis-statements respecting their practice. My Lords, it is not true, that the student does no more at his admission than in fact stating that he is a member of the Established Church; but on taking a degree he is obliged to sign the Articles, to show his knowledge of, and adherence to, the doctrines of that Church. The noble and learned Lord knows this much better than I do; and I must again say, that instead of making such statements as he has just now made, it was to be expected from the high station that he holds, that he should have been found amongst the defenders of the Universities, that he should not attempt to pull them down by statements with a view to their injury.

The *Lord Chancellor* (who rose at the same moment with Earl Grey) said: My Lords, my noble friend (Earl Grey) to whom I would otherwise give way, was about to bear testimony to your Lordships of my utter innocence of the charges which the noble Duke has so illogically, for I must say, that the noble Duke has not improved his logic since he has been at Oxford, and so very unjustly, brought against me on this occasion. The fact is, my Lords, that the noble Duke either did not hear, or, having heard, he did not do me the honour to attend to, what I did say. He seems to think that I said something against the University of Oxford or King's College, whereas I never said one word in disparagement of either. My Lords, on the contrary, I did distinctly admit, that the Established Church had as much right to set up a college on a principle exclusively confined to the Church, as the Dissenters had to establish one on a principle of universal admissibility. There was nothing in this against Oxford, or against King's College. But, my Lords, this shows the little attention with which the noble Duke honoured me. It shows how little attention is paid to legal men in this House. My Lords, I do not mention this want of attention as any ground of complaint, but I do think I have some reason to complain of it when it is made the ground of building up a charge against me, not only for what I did not say, but for the very reverse of what I did say. Having thus re-stated what it was I had said, I hope I may stand acquitted of this charge which the noble Duke has urged, and to which I shall again advert by and by. Another charge which the noble Duke has brought against me, is that of getting up discussions and making long statements on the presentation of petitions. My Lords, nothing was further from my intention than to introduce any such discussion on this occasion. If the noble Duke did not hear me, and I must take it for granted that he did not, I now inform him, that I was replying to the right reverend Prelate. The right reverend Prelate was replying to some observations of mine made on a former occasion, and quoting the very words which I then used. The noble Duke did not honour me with his attention, and it now appears that he had not honoured the right reverend Prelate with a much greater share of it than he had bestowed on me. If he had heard me, I am sure he would not have made this charge; but this, my Lords, is one inconvenience of not hearing what is said, and of making accusations on what has not been uttered, and this is what I complain of with respect to the noble Duke. My Lords, I myself did not hear the words of the right reverend Prelate. They were heard by my noble friend at the head of the Government, who came over to me, and said, "Attend—the right reverend Prelate is referring to what you said on a former day, and quoting your words,"—for shortness sake, my noble friend used the words "attacking you," though that, perhaps was too strong an expression for the course which the right reverend Prelate was taking. Now, if the right reverend Prelate did not intend to use my words, I must say that the words "Jesuitism," "casuistry," and "traps for men's consciences," were terms which called for some remark on my part, and I ask, my Lords, was I to sit and listen to the whole of this, and not offer any reply? Some reply I felt I was bound to make, and having done so, I trust, my Lords, I shall stand acquitted of the charge of raising discussions on the presentation of petitions. Now, my Lords, let me again advert to the noble Duke's charge of my wishing or attempting to pull down the Universities. I would ask the noble Duke to point out any one word or expression, or sentiment of mine, which can bear such a construction; not, my Lords, at the same time, that I would refrain from any censure or condemnation of the Universities, if I thought they deserved it. My Lords, I am not bound to the Universities by any allegiance. Individually I owe them nothing — the country, no doubt, is greatly their debtor; and, no doubt, the country is disposed to acknowledge the obligation. I never hissed them. My Lords, I sat and took a part in a meeting connected with the London University, of which I have long been a friend, and to the institution of which—I hope that I may say it without vanity—I in some small degree contributed, though I do not stand in the same relation to it in which the noble Duke stands to the University of Oxford. The meeting to which I allude was on laying the foundation-stone, and it was afterwards followed by a dinner in celebration of that event. At that meeting there was present a very numerous assemblage of the patrons, supporters, and friends of the Institution, and of its students of every age, down to boys of the age of fourteen. We were honoured on that occasion by the presence of a royal Duke. I do not mean the illustrious Duke (the Duke of Cumberland) now present,—his Royal Highness attends only to Dublin meetings, and certainly my appearance at the late installation at Oxford would not have excited more surprise than the presence of his Royal Highness on the occasion to which I have just alluded. I do not mean by this to insinuate that the royal Duke now present was unfriendly to our institution; he may differ from us on many points, but I am sure we have his good wishes, as far at least as his conscientious support of education will permit. At this meeting there were, also, present my noble friends, the noble Marquess opposite (Lansdowne) and the noble Viscount (Melbourne), the Secretary for the Home Department, and several other distinguished individuals, the advocates and supporters of education. I have already said, that there were in the assembly youths of every age, down to boys of fourteen. I had occasion in the course of the proceedings to mention the name of Oxford and of Cambridge. They were received with unmixed applause. I spoke in praise of them, and there was not on that occasion, even during the greatest hilarity of the evening, one expression of censure which could in any way refer to those learned bodies. But, my Lords, they order things differently on the banks of the Isis. In the cool retreats and shady bowers which the muses haunt along the margin of that classic stream we have recently had a very different exhibition. There we heard expressions of feeling, not in the hilarity of the evening, but in the cool of the morning, when the head was free from every kind of vapour, save that which might remain from theological controversy, of feelings not restrained by the presence of royal and illustrious dukes, noble peers and senators, archbishops and bishops, heads of colleges, and reverend doctors of divinity. I say on that occasion there was kept up an ancient, and I may add an infinitely harmless custom, of showing their respect or the contrary for certain names or authorities, which were proclaimed in the ebullition of the moment. My Lords, I do not blame this, I think it harmless that certain names should have been put forth to excite the approval or disapprobation, as the case might be, of those present. I was placed among the latter, but of that I do not complain, for I feel that I was in very good company, and among others, in the company of one who is as great an ornament to the University of Oxford as he is to that right reverend Bench. I repeat, my Lords, that I consider all this very harmless, and I mention it only to show that I am not bound by any allegiance to Oxford. At the same time, I have not said any thing against it, nor any thing which could bear the interpretation that I have a wish to pull down the Universities. My observations were directed, and my objections were made, to the mode of subscription to the Thirty-nine Articles, and to the interpretation put upon that subscription by the right reverend Prelate. I commented upon it, as your Lordships will recollect at the time; and upon that comment the right reverend Prelate having thought proper to introduce again to your Lordships the same doctrine, I thought it my duty to reply. This, then, is my answer to the charges of the noble Duke, who accuses me of getting up a debate on the presentation of a petition, and of attempting to pull down the Universities.

The Petitions to lie on the Table.

CASE OF CAPTAIN ATCHISON—MILITARY DISCIPLINE.] The Earl of *Winchilsea* rose, pursuant to the notice he had given, to present two petitions complaining of the practice of requiring Protestant soldiers on foreign service to take a part in religious ceremonies in Catholic countries, and praying also for some compensation to two officers who were dismissed the service by sentence of Courts-martial, for conscientiously refusing to take a part in such ceremonies, and sending a remonstrance to their commanding officer against being called on to take a part in such ceremonies. On the subject of the first part of the prayer, he would say, that Catholics having been exonerated from attendance on Protestant worship, he thought that the same principle ought to be extended to Protestant soldiers. He must also say in the outset, that no one felt more than he did the necessity of strict military obedience, and he must also admit, that the Houses of Parliament were not the fit places to review sentences of Courts-martial. Still he thought there were circumstances in this case which might fairly come under the consideration of the House. The noble Earl then stated the particulars of the case of Captain Atchison and another British officer who were in 1823 tried and dismissed the service for disobedience of orders in refusing to attend some Catholic ceremony at Malta, (for which see *Hansard*, vol. xix. 783—third series). It was not, he said, his intention to found any Motion on these petitions. He would leave the matter in the hands of Government, and he hoped it would receive due consideration.

The Duke of *Wellington* said, that as he was the Master-general of the Ordnance at the time the officers alluded to by the noble Earl were dismissed from the service, he was anxious to make a few observations on the subject. On the 6th of October, 1823, he received a Report from Malta, informing him that two officers on duty there had disobeyed orders conveyed to them by the Commanding-officer; and on the 8th of the same month he sent back a letter, directing the two officers who had so acted to be arrested. He then communicated with the Duke of York, at that time Commander-in-chief of the army, and he inquired of his Royal Highness whether the proper course to pursue would be to strike the names of those officers out of the Army List, for a deliberate Act of Insubordination, if not of mutiny, or to direct that they should be tried by a Court-martial. His Royal Highness, who entirely approved of the steps he (the Duke of Wellington) had taken, recommended him to advise his Majesty at once to dismiss the officers from the service. His conduct in this affair had also been approved of by another Superior-Officer, the Commander-in-chief in the Mediterranean, General Sir Thomas Maitland. That officer arrived at Malta on the 5th of November, 1823, and without any previous communication with him, or his Royal Highness the Duke of York, published an Order of the Day expressing the opinion he entertained of the behaviour of the two officers in question, and directing, for the purpose of preventing the recurrence of a similar Act of disobedience, that they should, until further notice, be relieved from all duty. On receiving a copy of this order, he sent a letter to Sir T. Maitland, desiring him to order the officers to be tried by Court-martial; and on the verdict of the Court-martial the officers were cashiered. The noble Earl had said, that one of these officers was dismissed his Majesty's service because he would not ring a bell. That was not a correct account of the matter; for the charge preferred against him before the Court-martial was, not that he had declined to ring a bell, but had refused compliance with a general order, not the order of a Catholic priest, directing certain guns to be discharged. The noble Earl had argued, that those officers ought to be excused obedience to the orders which had been conveyed to them, because Roman Catholic soldiers were relieved from the necessity of attending the service of the Church of England. But their Lordships should bear in mind, that the Act which these officers were ordered to perform was no act of divine worship, but one which fairly fell within the scope of the military duty of officers stationed in foreign countries to execute. It was of the greatest importance that troops, on going abroad, should not be allowed to show any disrespect to the people of the countries to which they were sent; and with reference to Malta, it was provided by treaty, that respect should be paid to the inhabitants. To the prayer for compensation, with which the petition concluded, he thought their Lordships ought not to pay any attention. These officers belonged to the artillery, and officers in that branch of the service never purchased their Commissions. Therefore, if on leaving the service, they were to receive remuneration, they would receive money for the loss of a Commission for which they never paid any money. In fact, to grant remuneration to these officers would be to hold out a premium for disobedience to orders.

Earl *Grey*, knowing who was at the head of the Ordnance Department, and who was at the head of the army, at the time the transaction brought under the notice of the House took place, could feel no doubt that full justice had been administered in the case; and this was the conclusion at which he had arrived after a full investigation of the facts. The offence of which these officers were found guilty was a breach of military discipline of the most serious importance. These officers were not called upon to participate in the religious ceremonies of the Roman Catholics at Malta, in such a way as implied any belief on their part in the doctrines of the Church of Rome. He was of opinion that the sentence passed on these officers was a just one.

The Petition to lie on the Table.

PENSIONS — CIVIL OFFICES.] On the Question that the House do resolve itself into a Committee of the whole House on the Civil Office (Pensions) Bill,

Earl *Grey* said, that when the Bill was read a second time by their Lordships, no statement was entered into of its principal provisions; he should therefore trouble them with a few words before they proceeded with the Order of the Day. The noble Earl stated an outline of the Bill. He was sure the House when they looked at the previous power of the Crown, limited as it was—when they looked at the great services which the officers he had mentioned usually rendered to the State—would agree with him in thinking that the Bill did not invest the Crown with undue power. If anything, he should say that the Bill did not enable the Crown sufficiently to reward those functionaries.

The Duke of *Wellington* referred to the preamble of the Act of 1817, for the purpose of showing, that the arrangements then made were in the nature of a bargain, by which, when the sinecure offices were abolished, pensions were to be instituted for them. It was to be specially observed, that out of twenty-two pensions which might have been granted, only eleven were; and really it was not too much to expect that the Crown should be invested with the power of making adequate recompense to its servants, the more particularly as now the expense and difficulty of getting into Parliament had so much increased, and when the emoluments of the bar and other professions stood so high, that it would be no easy matter to secure an efficient support in the public service if suitable rewards were not given. It was also to be borne in mind that the increased and increasing power of the House of Commons had rendered a measure of that nature necessary—it was fitting, that the power of the Crown should be sufficient for the purpose, and that the Crown alone should possess the right of rewarding its servants. He was the more led to make this observation from what had occurred in another place, where the reward to be given to the services of a gallant Officer was taken into consideration against the wish of the Ministers of the Crown. There, were, however, some clauses to which he should move Amendments when they went into Committee.

The *Lord Chancellor* said, that he must have closed his eyes to all that had been passing around him for several years, and particularly during the four last, if he were to say that he entertained the same view of the power of the Crown as formerly. However unpalatable the statement might be, he certainly must declare, that the power of the Crown was now so fenced round, and its patronage so cut down, as to be no longer objects of apprehension. This was the result of various economical reforms, of some of which, when a Member of the other House, he had been a promoter. We were not now living in such times as those in which Mr. Dunning submitted his resolution, that the power of the Crown had increased, was increasing, and ought to be diminished, or as in 1822 (he thought it was, but at all events it was in the last year of Lord Londonderry's life), when he (the Lord Chancellor) made the same Motion. It was impossible any longer to advance the proposition that danger was to be apprehended from the power of the Crown. God forbid, however, that there should be any deficiency of jealousy or watchfulness on the part of the people through their Representatives, or if they would, without their Representatives, against any encroachment on their liberties or the renewal of old abuses. With respect to the existing system, which was established by Mr. Bankes's Bill in 1817, and which the Bill now before their Lordships proposed to alter, he doubted whether it was not one of the widest departures from the principle of the Constitution, ever made. It was true that sinecure places existed; but in their inception they were not so. They were originally working offices, though in process of time they had become sinecures, and were used as endowments for public men, whom there was no other means of rewarding. Mr. Bankes, on bringing forward his Bill, contended that when such offices were abolished, it would be necessary to provide other means of rewarding men who had been in the public service, and he used a catching argument for those who might be called ultra-liberals—those who were most decidedly opposed to the extension of the monarchical principle, and the greatest haters of pensions,—namely, that if such means were not provided, none but men of fortune would devote themselves to the service of the State, and that thus the Aristocracy would obtain a monopoly of the Government. Now, it was not consistent with the practice of our Constitution that there should be any profession or trade of politicians. Lawyers, merchants, and even divines, in one way, took part in the strife of Parliament; but there was no particular class who followed the trade, as it were, of politician. It was said, that by abolishing sinecures without providing a substitute for them, men of talent but no fortune would be excluded from the public service. Now he could name six or seven statesmen, the most eminent men of their time, who were totally devoid of private fortune, and who never obtained a sinecure office. These were, the first Lord Chatham, the first Lord Holland, the two Lords Liverpool (he would take them as one only) Mr. Sheridan, Lord Grenville, Mr. Addington, Mr. Canning, and Mr. Perceval. Indeed, with the exception of Sir Robert Walpole, Mr. Pulteney, Mr. Pelham, and the present Premier, there had been hardly a Prime Minister, during the last or present century, who was not destitute of private fortune. The noble Duke near him (the Duke of Wellington) was no exception, for he was a professional man like himself. [Some noble Lords here mentioned the names of several other Ministers, amongst which we heard those of Lord North, the Marquess of Bute, and the Duke of Grafton.] Of all the Ministers he had mentioned, scarcely any but those of the rich class obtained sinecure offices. Lord North had a sinecure, but Mr. Canning had none. Mr. Pitt had the wardenship of the Cinque Ports, and he was almost the only brilliant Minister who obtained a sinecure. He, therefore, did not attach much weight to the argument, that the withholding of pensions and sinecures would prevent men of small fortunes, or none at all, from entering the public service. If, as was alleged, persons of this description were enticed into the service of the State by the hope of obtaining sinecure offices, they were very dishonestly treated, for they seldom had that hope realized. He asked their Lordships, whether they ever heard of a sinecure or pension being given to men who performed their duty to the State by attacking the Government, and opposing the prerogative of the Crown when it was overgrown? Mr. Dunning might have gone on for ever moving that the power of the Crown had increased, and ought to be diminished, without getting a sinecure. [A Peer reminded the noble and learned Lord that Mr. Dunning, when Lord Ashburton, held the office of Chancellor of the Duchy of Lancaster.] Very well; but he did not think that office was a sinecure, and it was given to Mr. Dunning in consequence of his having abandoned his profession for the service of the State. In order to obtain the reward of a pension, it was not necessary merely that a man should apply himself to the service of the public by becoming a Member of Parliament. He must also take office—he must recommend himself, not to the public, but the Minister, and must pass through the usual routine of offices, until he obtained a seat in the Cabinet. Talk of "midnight oil" and the "sweat of the brow!" A man might waste all the oil in his cruets, and sweat till he could sweat no longer, and then he would have to go to the poor-house, for aught the present system would do for him, unless he ingratiated himself with the Minister, and obtained a place. The getting into office, however, would be of no use, unless the individual resolved to agree with the Minister in every thing; for if he differed from him upon any point of conscience he would lose his place, and, of course, his chance of a pension. It was therefore necessary that he should put his conscience under a bushel for three years before he could be entitled to a pension. This was a bad system, and he would support the present Bill, because it would, to a certain extent, correct it.

The Bill passed through a Committee.

Their Lordships afterwards heard further evidence in the case of the Warwick Borough.

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HOUSE OF COMMONS,

Tuesday, June 24, 1834.

MINUTES.] Petitions presented. By Mr. LLOYD, from several Places, in favour of the Sale of Beer Act Amendment Bill; from some Places, against the University Admission Bill; from one Place, against the Separation of Church and State; and from Wingrave, against the Poor Law Amendment Bill.—By Sir EDWARD KNATCHBULL, from several Places, for Protection to the Established Church.

COUNSEL FOR PRISONERS.] Mr. *Ewart* moved, and the House resolved itself into Committee on the Prisoners' Counsel Bill. On the first clause of the Bill being proposed,

Mr. *Poulter* was extremely desirous to remove all inequality by which prisoners were affected, under any circumstances. If the hon. member for Liverpool would consent to strike out the last proviso in the clause, every inequality would be removed. The prisoner would be put upon the same footing with the prosecutor, by being left to the exercise of the same privilege the prosecutor possessed of addressing the Court by his Counsel, and thus many of the erroneous verdicts which were frequently returned would be avoided, and the time of the Court of King's Bench not occupied with applications to set them aside. Unless the hon. Member would consent to withdraw the proviso, he (Mr. Poulter) should feel it to be his duty to take the sense of the House upon it. The hon. Member concluded by moving, that all the words after "notwithstanding" to the end of the clause, be expunged.

Mr. *Wynn* said, the clause was objectionable on several grounds. Its effect would be, to prohibit the Counsel for the prosecution addressing the Jury, until after the depositions of the witnesses had been taken. But it must occur to every one at all conversant with the practice of criminal Courts, that in many cases of circumstantial evidence, there would be no possibility of obtaining a conviction, unless the Jury had pointed out to them previously by the Counsel, those strong points in the evidence of the witnesses which bore directly upon the charge in the indictment. He could mention a case where there could be no doubt entertained of the moral guilt of certain murderers, and yet it was impossible any conviction could have taken place, if the clause now under consideration had been the law of the land. On these grounds he was very much opposed to the clause as it stood at present.

Sir *William Rae* said, the English law contained a great many imperfections when contrasted with the criminal law of Scotland. He could not understand the principle on which the English form of indictment was maintained. It gave no information to the prisoner of the nature of the offence for which he was to be tried, or stated directly what the charge was, for which he was to be arraigned at the Bar. The form of indictment in Scotland, however, contained a most accurate and minute statement of the crime of which the prisoner stood charged; and the time and place of its committal, together with all the circumstances attending it, were set forth in such simple and clear terms as to be intelligible to every person who read it. All these circumstances were so necessary to be correctly stated in the indictment, that if the evidence adduced in support of it at the trial turned out to be different to the circumstances contained in the indictment, that fact alone would be a sufficient defence on the part of the prisoner to secure his acquittal. The indictment rendered the case as plain as any statement by Counsel could possibly be, and in some cases a great deal plainer. In another part of the criminal law of England, a great anomaly existed, and it appeared very difficult for him to understand why, in a charge for a misdemeanour only, the prisoner should be permitted to address the Court by his Counsel, but that in a case where the life of a prisoner was concerned, such a permission was granted to the prosecutor, and not to the prisoner. Was it right that Counsel should be allowed against a prisoner, and that none should be permitted to address the Court in his defence?

Viscount *Howick* said, it had been stated by the hon. member for Liverpool, that it would be most desirable, in effecting any alterations in the present law, to introduce no new or untried practice, but to let the new form of the proceedings in the trial of criminals be governed by some well-known forms that had undergone fair trial, and were found on experience to operate well. He thought after the statement which the House had just heard from the hon. and learned Member, the object of the hon. member for Liverpool would not be accomplished by the clause now under consideration: there would still be a great discrepancy between the criminal law of

Scotland and England. He was of opinion the form of practice which was introduced by the Bill of the hon. member for Liverpool, would lead to very great confusion and inconvenience. He agreed with the right hon. member for Montgomery, that a Jury having nothing to guide them in a long and complicated case, but being called on to listen to the lengthened depositions of a great number of witnesses, would not be able to come to such a sound and accurate conclusion, as they would if a concise and consecutive statement of the chief points of the evidence were made by the Counsel for the prosecution in the first instance. The hon. member for Liverpool had introduced this Bill with a view of getting rid of a great anomaly that existed in the process of criminal proceedings. He was of opinion that this clause, instead of destroying an anomaly, would create one. By far the simplest course would be, to omit the clause altogether, and to substitute a short clause, declaring that the form of proceeding in cases of felony should be the same as in cases of misdemeanour. This he thought would be much better than to meddle with the Law of Evidence. Subsequent improvements might easily be made, founded on experience, without encumbering the present Bill, if the mode of cross-examination now practised, should be found not to be the best mode of eliciting the truth.

Mr. *Wynn* was of opinion it would be a much more judicious course to leave it to the discretion of the judges to decide in what cases counsel should be heard on the part of the prosecutor, and also on the part of the prisoner.

Mr. *Eardley Wilmot* had supported this Bill from feelings of humanity to the prisoner and justice to the public, and he could not help saying, that he considered this clause injurious to both, and on that ground he should oppose it. He had seen some thousand prisoners convicted in the course of twenty-eight years' experience, and he had never witnessed any conviction in which he believed the prisoner to be innocent. If this clause were permitted to pass, the time of the Court would be taken up with long speeches upon the indictment of every pickpocket who was brought before the Court; the feelings and passions of the jury would be appealed to, and a decision given that was not founded upon justice. He believed if the Bill passed in its present shape many innocent prisoners would be found guilty by the Jury, and many guilty persons would escape.

Mr. *Pollock* stated, that Mr. Wilde informed him that during seven months of his shrievalty he had saved seven convicts from an ignominious death on the ground of their innocence alone. If this had been the case in seven months, it was alarming to consider what a number of innocent persons must have suffered in the course of years. The fact was, the prosecutor and the prisoner were not on a par. He thought if the Amendment of the noble Lord were adopted, without some check upon the counsel, the prisoner, instead of being benefitted, would be injured. Counsel had the power of placing a case much more strongly before a jury by means of an artful cross-examination in some cases, than by a regular address to the jury. He believed that justice would not be done to the prisoner unless he were allowed a reply upon the whole case, after the counsel for the prosecution should have observed upon the evidence on the part of the prisoner; and this was the opinion of a high legal authority. He did not think, if this was permitted, so much time would be occupied in making the speeches as was already consumed in the cross-examination of witnesses.

Mr. *Ewart* said, that one great object of the Bill was, to give the prisoner a reply on the prosecutor; let there be speech for speech, but not two speeches for one, and let the judge be merely an arbiter between the parties. He would propose an Amendment which would have this effect, allowing the statement of counsel to take precedence of the evidence, and this he thought would meet all the wishes that had been expressed.

Sir *George Grey* expressed his full concurrence in the principle of the Bill, and was of opinion, after giving the subject his best consideration, that the most efficient way of carrying that principle into effect would be by the Amendment of the noble Lord (Lord Howick). He considered the Amendment just proposed by the hon. member for Liverpool quite useless, as it must be evident to every one acquainted with the proceedings in criminal cases, that there was a very wide difference between the opening speech for the prosecution, and the speech which a counsel would make on the behalf of a prisoner.

Mr. *Hill* concurred in the general principle of the Bill, but thought justice would not be done to the prisoner in a criminal case unless he had a right of reply upon the speech of the counsel for the prosecution.

Sir *George Strickland* thought, that it was most desirable that as little change should take place in the existing forms as possible in carrying the Amendment into effect. If an opening speech was allowed to the counsel for the prosecution, he agreed with the hon. member for Liverpool, the prisoner should enjoy the privilege of answering that speech by means of counsel. Great injury would be done to the prisoner by allowing the counsel for the prosecution a right of reply. Why, he asked, was the House so niggard of this trifle of mercy to the prisoner? For many years past, instances had continually occurred of the execution of innocent men. Would the House consent to the continuance of such lamentable occurrences? He attended a trial himself, and left it with a full conviction of the man's innocence. Had a counsel addressed the jury in his behalf, he must have been acquitted, but he had been a witness of that man's execution. Such dreadful consequences he wished to arrest, and therefore he should vote with the hon. member for Liverpool.

Mr. *Bernal* apprehended it was impossible to make a mathematical equalization of the right of addressing the Court by Counsel in every case. The case was surrounded with difficulties; but if an equal advantage could not be given to both parties, it became the duty of the House, if a preponderance must exist, to let it fall on the side of the accused. They ought not to lose sight of the old maxim, that it was better to let ten guilty men escape than to make one innocent man suffer.

Mr. *Charles Buller* was of opinion that the effect of the suggestion of the hon. and learned member for Huntingdon, that counsel should make two speeches, would render them very desirous to avoid making any.

An Amendment was moved by Mr. Pollock to the effect, that in all criminal cases the party accused shall have the liberty to defend himself by counsel, provided, that if evidence should be given on the part of the defence, and the prosecutor's counsel should reply upon such evidence, then the defendant's counsel should have a right of addressing the Court upon the whole case. Agreed to.

Sir *Eardley Wilmot* moved that a proviso be added to the clause, that unless the counsel against a prisoner shall have made a speech for the prosecution, the counsel for a prisoner shall not address the Jury in his defence.

The Committee divided—Ayes 25; Noes 32; Majority 7.

BREACH OF PRIVILEGE.] Colonel *Williams* rose to complain of a breach of privilege. "This morning," said the hon. Member, "as I was coming hither, I was interrupted in my progress and prevented from obtaining entrance into the House by troops in the streets and by a party of police blocking up its principal avenue. I endeavoured to get by the soldiers, and went down a little way below the door of the House, thinking that out of courtesy they would leave an opening for a member of Parliament. I was obliged, however, to return, and I returned along the line of soldiers and police, hoping and expecting that I should be able to come here. I found no means of getting here save through the lines of the police. As I was attempting to pass through, one of the police constables stopped me, and said, that I should not pass. I told him, that I must pass, as I was a member of Parliament. The constable replied 'It don't signify, you can't pass here.' This created some disturbance among the people round, and excited the attention of a person whom I take to have been a superintendent of police. I represented to him that I was a member of Parliament, on which he immediately said 'You must be permitted to go—you can cross here.' I cannot help thinking that it is an obstruction which ought not to be allowed—namely, the lining with troops the principal avenues of entrance to this House. Why are we to pass through a bristle of bayonets, and why, in avoiding them, are we to be exposed to the truncheons of the constables? I very much wish to know whether such practices are not unconstitutional. I think they are. I know no justification for assembling troops in this manner before the House. I know the reason why they were assembled to-day; but I think the troops are ordered out on such occasions too often. I would remind those in high situations of the saying of that glorious Sovereign, Queen Elizabeth, who declared that her subjects were her best guards. I shall end my complaint, by a Motion for an address to the Crown, which I trust will elicit the information whether an opening was ordered to be left this day for members of Parliament to enter this House. I should also like to know by whose orders it was, that the avenues were obstructed."

Mr. *Henry L. Bulwer,* in rising to second the Motion, said, that he did not consider it one of peculiar interest. It was not, however, useless to call the attention of the House to the conduct of the police that day, which he must say had been brutal and disgusting. The hon. member for Ashton was stopped by them; he had himself been stopped by them twice, very insolent and brutal language had been employed by them towards him, and such conduct ought not in his opinion to pass without notice from the House. Without entering further into the arguments of the hon. member for Ashton, he would observe, that it was as necessary and of as much importance that members of the House of Commons should come down without obstruction to that place to do their duty to the people, as it was that any other person, be his rank or dignity what it might, should go without obstruction on a party of pleasure. He thought that the Speaker, and every gentleman then in the House, would see the necessity of preserving the importance of the House in the importance of its humblest members. He concluded by seconding the Motion of Colonel Williams.

Lord *Howick* said, that he had heard with great regret, that the hon. member for Coventry had that day been exposed to ill-treatment from the police. Still he thought that those who were responsible for the management of the police had reason to complain of the course pursued by the hon. member for Coventry. If, instead of making a formal complaint to the House, the hon. Member had first complained to those who were responsible for the conduct of the police [*" Oh! oh!"*]. Hon. Gentlemen might exclaim " Oh! oh!" but he thought that they would agree with him, that it was almost impossible to prevent a case of individual misconduct from occurring sometimes among so large a force. He was sure, that the House at large—and still more, that the Members of the Committee now engaged in examining into the constitution of the police of the metropolis —would agree with him, when he stated, that there was every disposition on the part of the authorities to check in the most decisive manner every case of misconduct on the part of the police. Brought before the House as the case had been by the hon. member for Coventry, the House could have no opportunity of hearing what was to be said on the other side. If the hon. Member had only favoured him with a statement of his complaint, he would have taken care to learn, for the information of the House, what could be said on the other side. At all events, it would have saved the time of the House if the hon. Member had made his complaint to the Commissioners of Police, by whom it would have been immediately investigated, and by whom, if any case of misconduct had been discovered, the individuals guilty of it would have been instantly dismissed. As to the inconvenience which had that day been suffered by Members of Parliament coming down to the House, he had learned it, he must say, with surprise. He had himself come down to the House within twenty minutes after his Majesty had first gone by, and had found no difficulty whatever in getting into the House. This was all that he now found it necessary to state; but of course a proper examination would be instantly commenced into the subject matter of this complaint.

Mr. *Henry Lytton Bulwer* hoped, that he might be permitted to say a few words in explanation. He thought, that before the noble Lord who had just sat down had made such a speech as that which he had just delivered, he should have known what had been said by those to whom he was professing to give an answer. The complaint against the police had not been brought forward by him, but by another hon. Member. On that complaint being brought forward, he had stood up to state what he had seen and experienced himself in the course of the day. He hoped that he might be permitted to make another observation, though it was not strictly in the way of explanation. He did not think it consistent either with the dignity of that House, or with the dignity of its Members, that they should go up and down hunting out the noble Lord as a receptacle for their complaints, when the insult of which they complained was not so much an insult to themselves personally, as an insult to the House.

Mr. *Warburton* observed, that the noble Lord had told the House, that he had come down to it shortly after his Majesty had arrived at the Abbey. Now, he (Mr. Warburton) had come down to it about ten minutes before his Majesty's arrival at the Abbey, and, like the noble Lord, he had met with nothing in the shape of obstruction. This, however, after the positive evidence of two hon. Members, was not sufficient to prove a negative. It was therefore possible that obstruction had been given to two hon. Members, upon whose evidence he begged it to be understood that he did not mean to cast the slightest doubt, though obstruction had not been given to the noble Lord or to himself. He must however tell the noble Lord, that the course pursued on this occasion by the hon. and gallant Officer, the member for Ashton, was by no means singular, for many Members would recollect that a noble Lord, not now a Member of this House, but formerly member for Yorkshire (Earl Fitzwilliam) on meeting an obstruction from the Guards of his late Majesty in Pall-mall, as he was coming down to the House, made a formal complaint of it to Parliament. He must say, with their Standing Order staring them in the face, that the avenues to both Houses of Parliament should be kept clear. The proper place for any Member who had met with an obstruction to make his complaint in, was before the Speaker in the House of Commons.

Mr. *O'Connell:* Are we to appeal to the Commissioners of Police when we meet with obstructions as we come down to the House to perform our public functions? and are not you, Sir, the fit protector of the privileges of the Commons of England, when they are obstructed in the discharge of their duties? This music-shop which is opened over the way, is not to be an impediment to us [*"Oh! oh!"*] I don't care for your crying "Oh! oh!" It is not a ceremony belonging to the State—it is not a prerogative attached to the Crown—if it were, we should all be ready to protect and attend it. We have now before us the unequivocal evidence of two Members of Parliament, who were impeded by the soldiery and police in coming down to the House; and it is inconsistent with the Constitution, that we should make our complaints on that score to any noble Lord, however high in office, or to any Commissioners of Police, however well paid. It is your province, Sir, as I know it is your wish, to vindicate our privileges; and we are not to be turned round to a Police Commissioner, when a Breach of Privilege has undoubtedly been committed.

The *Speaker:* Having been so distinctly appealed to by the hon. and learned member for Dublin, I must premise by stating, that I am sure that the hon. and learned Gentleman did not wish—for he could not expect—that I should give an opinion upon the merits of this complaint. The hon. and learned Gentleman states very distinctly, that the privileges of the House are to be maintained by the House. The Speaker is the servant of the House; and if the hon. and gallant member for Ashton had not thought proper to save the Speaker the trouble of noticing this matter to the House by complaining of it himself, it would have been the duty of the Speaker to have mentioned it to the House. But as to expressing an opinion upon the course to be pursued by the House in consequence of the complaint, that is a duty which the House has never yet devolved upon the Speaker, and I hope that so heavy a burthen will never be devolved upon me so long as I have the honour of filling this Chair. The hon. and learned Member, no doubt, adverts to our Sessional Order, that the avenues to this House are to be kept clear. That Order having been made, it is incumbent upon the High Constable of Westminster, and upon all his subordinate officers of police, to see that it be carried into execution. As to any particular case in which that Order has been infringed, whether it be in the case of hon. Members who have been obstructed by parties not knowing them, or by accident, that is matter of inquiry for the House. Hon. Members do right in bringing their complaints here; but, having said that, I am sure that there is not one man now present who would not object to the Speaker's rising to give his opinion upon the merits of them.

Lord *John Russell* admitted, that in any case where the privileges of the House had been infringed in the person of an hon. Member, that Member had a full right to make his complaint in the House. The only question in this particular instance was, as to the course which the hon. Member might think it best to pursue. His own opinion was, and he knew nothing more of the case than what he had heard from the hon. Member, that time should be allowed for inquiry, whether the interruption had been caused through ignorance, by some policeman totally unacquainted with his duties, or whether it took the appearance of an intentional, and therefore a grave infraction of the privileges of the House. He thought it right that inquiry should be made into the subject, but he also thought it right that the hon. and gallant member for Ashton should refrain from making any Motion upon it, or should adjourn the Motion which he had already made, until a statement had been received as to the circumstances under which the interruption had been given by the police. If it should turn out that there were one or two individuals who from ignorance had offended, the hon. Member would take the course which he might think proper; but if it should turn out that there had been an intentional infringement of the privileges of Parliament, it would be the duty of the House to take it up.

Mr. *Robinson* stated his belief, that the obstruction which arose this morning, and which might occur again on the three subsequent days if steps were not taken to prevent it, had been occasioned by a file of soldiers stationed on each side of the street opposite to the House. There was no occasion for having soldiers stationed nearer the Abbey than Bridge-street, and he thought that if the duty of preserving order was left to the police there would be no ground of complaint.

Mr. *Henry Lytton Bulwer* expressed his belief that there had been no intentional obstruction or infringement of the privileges of Members, and recommended the hon. Member to withdraw his Motion.

Colonel *Williams* informed the noble Lord, who appeared to mistake the hon. member for Coventry's share in the question for his, that he was the Mover of the Resolution. Although the noble Lord might be known and allowed to pass, he had been impeded. He repeated that he had experienced obstruction; he had stated the facts roundly, and explained to the House his whole progress, downwards and upwards. He did not attempt to break through the ranks of the soldiers; on the contrary, he very submissively walked in their rear, till he came near the House, and then the outrage took place. The obstruction was unjustifiable. There was no occasion for having any street, particularly that leading to the House of Commons, lined with bayonets. He was willing to accede to his hon. friend's suggestion and withdraw the Motion. He hoped, however, that the matter would be taken into consideration. His object was, to get at the parties who had given the improper orders.

Viscount *Howick* certainly did pay rather more attention to the hon. member for Coventry than to the gallant Mover, because it appeared that the statement of the former Gentleman was more serious, as involving the use of brutal language to Members of the House. It seemed that as soon as the superintendent came up, way was made for the hon. Member. If any policeman had mistaken his orders, or misconducted himself, no doubt he would be reprimanded. He promised that inquiry should be made into the subject.

Motion withdrawn.

EAST-INDIA PRODUCE.] Mr. *Ewart* rose to bring forward his Motion, relative to the duties on East-India produce. This was the second time he presented himself to the House for the purpose of pressing on them the justice and the necessity of removing that inequality of duties which now affected their fellow-subjects in the East Indies. If the Motion should not be assented to now, he would bring it forward Session after Session, until justice should be done to the natives of India, and to the manufacturers and consumers of Great Britain. Several inhabitants of Calcutta presented a Petition to that House, praying that the duties on sugar and rum should be equalized; and this petition was supported subsequently by a petition from the East-India Company itself, and recommended by the Committee of their own House which sat two years back on trade and commerce. The Report of that Committee recommended five things; first, the opening of the China trade; secondly, that the East-India Company should cease to act as a trading Company; thirdly, that the transit duties should be repealed; but their principal recommendation was, that the duties on sugar, rum, tobacco, and coffee, the produce of the East Indies, should be equalized. The first duty, that on sugar, was, however, by far the most important. It amounted to 32*s*. a-hundred, while the duty on West-India sugar was only 24*s*. This article might be successfully cultivated throughout the immense territory of Hindostan, but was comparatively neglected in consequence of so onerous a duty. The capacity of the country to produce this article had been abundantly proved before Committees of that House, and the inhabitants only wanted encouragement and civilization to produce it to any extent. Their machinery for pressing the cane was at present, from want of encouragement, of the worst description. This boon could not be much longer refused, now that Englishmen were at liberty to settle in India. The cultivation of sugar there was stationary since 1810; while in the Mauritius, in consequence of the equalization of the duties with those on West-

India produce, it had increased five-fold within the same period. The amount of sugar now produced all over the East-India possessions was not more than four times the quantity of beet-root sugar produced in France alone. The West-India sugar was decreasing in quantity. They could not send sufficient to this country. These duties operated most mischievously on the sugar-refining business. The sufferings of the sugar manufacturers were great, and the sugar-refining trade was migrating to other countries, where it met with no restrictions, but, on the contrary, received protection. Many sugar manufacturers had stopped their work during the last year, and the number of pans employed in sugar-refining had considerably diminished even since Christmas last. Our machines were going to the United States of America. where they would be employed for the benefit of that country, and to the disadvantage of this country. He really did not know how long the Government meant to refuse to intercede in favour of the sugar-refiners. The next article on which there was a restrictive duty was the important article of coffee. The duty on East-India coffee was fifty per cent higher than that produced in the West-India colonies. The duty on West-India coffee was only *6d.* per pound, while a duty of *9d.* per pound was levied on coffee the product of the East-Indies. In fact, for fifty years East-India coffee had to pay a duty of *2s.* He trusted, that the time was fast approaching when such a system of injustice would be done away with. Coffee the produce of Jamaica, which was consumed by the rich only, paid a duty of seventy per cent, while on Ceylon coffee, which would be consumed by the poor, a duty of no less than 260 per cent was levied. Was that right or just? What was worse, the West-India colonies did not produce sufficient coffee for the consumption of this country, as was admitted last year by the right hon. Gentleman at the head of the Board of Trade. When such was the fact, why should those restrictive duties be continued so long? In the countries where such duties did not exist, the consumption of coffee had materially increased. In the United States it had doubled within the last five years, and it might be said, that an inhabitant of America drank four times as much coffee as an inhabitant of Great Britain. This was to be attributed to the different scale of duties. East-Indian coffee was of inferior quality to West-Indian, and yet it was loaded with a heavier duty; so that the tax was greatly prejudicial to the poor, who, but for it, might be able to purchase the cheaper article. He would suggest, that the duty on the low-priced East-India coffee should not be higher than that placed on the superior coffee of the West-India colonies. It was difficult to discriminate the different kinds of tea, yet he saw with surprise that an attempt was made in the late Act to discriminate them, in order to apply a graduated *ad valorem* duty to each different kind. It would be much easier to discriminate the different sorts of sugar and coffee, and common justice called for such a distinction being made. The next article on which there was a discriminating duty was tobacco. On East-India tobacco there was a duty of *3s.* per pound, whilst on that imported from the North American colonies the duty was only *2s. 9d.* a pound. He could not see the necessity of this difference in duty, since tobacco came exclusively from the United States, so that there were no colonies to protect by this duty. The same might be nearly said of East-India cigars, since the duty they paid was the same as that imposed on Havannah cigars, and this when cheroots were of an inferior quality to Cubas. He would now come to the articles of pepper and pimento. The latter was a West-India production, the former came from the East Indies. The same duty ought to be placed upon both articles, yet the duty on pepper was 1*s.*, while that on pimento was *5d.* A reduction had taken place lately in the duties on both articles, the consequence of which was, that the consumption of them had increased. The same thing had taken place with respect to rice since the duty on it had been reduced. If the duty on coffee were reduced, the consumption of it would likewise increase. The next article on which there was a discriminating duty was rum. The duty on West-India rum was *9s.* per gallon, whilst East-India rum was subject to a duty of 15*s.* per gallon. That was one of the articles referred to in the petition from Calcutta to which he had alluded in the beginning of his speech. If the people of those countries were encouraged to produce such commodities, why in the name of justice was not a market afforded to them? He thought that the West-Indians would have been a little more grateful for the generosity of this country in granting them 20,000,000*l.*, and that they would have ceased their complaints, and been willing to abandon their monopoly. He hoped that this would be the last time he would have to appeal on this subject to the House; that Government between the present and next Session would take the subject into their consideration, and sweep away all those discriminating duties. The hon. Member concluded by moving—" That the rates of duty imposed on articles the produce of our Eastern possessions ought, with the least possible delay, to be reduced to an equality with the rates levied on articles the produce of the other possessions of Great Britain."

Mr. O'Connell moved, that the House be counted, and the House was counted out.

HOUSE OF LORDS,

Wednesday, June 25, 1834.

MINUTES.] Petitions presented. By Lord ELPHINSTONE, from the Handloom Weavers of Cumbernauld, for Relief, and a Board of Trade.—By Viscount TEMPLEMORE, from Monaghan, for the Repeal of the Union; and from three Places, against Tithes.—By Lord LILFORD, from one Place, against the Claims of the Dissenters.—By the Duke of BEAUFORT, and Earls BROWNLOW and ABINGDON, from several Places,—against the University Admission Bill.—By the Earl of ROSEBERY, from Greenock, in favour of the two Bills concerning Scotch Entails; from Linlithgow, for Protection to the Church of Scotland.—By the Dukes of NEWCASTLE and WELLINGTON, and the Archbishop of CANTERBURY, from a Number of Places,—for Protection to the Established Church.—By Lord ROLLE, from several Places, against the Separation of Church and State.

CRIMINAL LAW.] The *Lord Chancellor* moved for a Copy of the first Report of the Commissioners appointed to inquire into the Criminal Law of this country with a view to form a digest of the same. He observed that the importance of this subject was very considerable, and when the Report was laid before their Lordships he was sure that they would agree with him that it had been most carefully treated by the Commissioners whose sound views upon the subject of framing a digest of the Criminal Law would, he was convinced, be felt by their Lordships to be above all price. The object of the Commission had been to inquire into the practicability of forming a code or digest of the Criminal Law, which should teach all men, lawyers and those who were not lawyers, what the Criminal Law of the country really was. The Report would be found to contain not only the discussions upon this subject conducted by men of the highest practical knowledge, but also that without which these discussions would be of no avail, namely a specimen of a digest; and it would be found that the Commissioners had given a most elaborate and masterly specimen of a digest of that extensive part of the Criminal-laws of the country, both written and unwritten, which related to the offence of theft. He should take the earliest opportunity of forwarding a Copy of the Report, even before it could be printed, to the noble and learned Lord near him, in order to give his noble and learned friend the fullest time for the consideration of it. The digest had cost the Commissioners seven months in preparation although it was very small, for it only occupied four pages, but then, as their Lordships must be aware, the Commissioners had felt the most anxious care that nothing should be omitted or ill-arranged; and he thought he might fairly say, that it was the most masterly digest that ever the labour of lawyers had produced. It would be decisive of the question of a code one way or the other. If it should prove successful it would be unanswerably in favour of the experiment; if unsuccessful, it would, of course, be against making the experiment; and if its success was doubtful, it would also be rather against than for the experiment, since such an experiment ought not to be made without some probability of success.

Lord *Wynford* was one of those who thought that the preparation of a digest of the Criminal-laws of this country would be attended with considerable difficulty. He could, however, promise his noble and learned friend that when he received a copy of the report and digest, he should employ the interval of labour afforded by the recess, thoroughly to examine the Report, and see whether the experiment of a code could be made with safety. If it could, he should be glad to see it made, although he must confess, that he was not much in favour of reducing the law to the state in which it was in France, where the shortness of it almost put absolute power into the hands of the Judges.

Motion agreed to.

PLURALITIES AND NON-RESIDENCE.] The Duke of *Cumberland* wished to ask the noble and learned Lord on the Woolsack, whether he intended to press this Session, his two Bills of Pluralities and Non-Residence. He particularly asked the question, as he thought it proper that the Bills should be discussed before the Bishops went out of town, as they must do shortly. The noble and learned Lord had stated, on a former occasion, that he would introduce a clause into the Non-Residence Bill; and he wished to ask, when it would be ready to be laid before the House.

The *Lord Chancellor* said, that it was quite true he had alluded to the clause mentioned by the illustrious Duke; and with respect to the question when it would be ready to be laid before the House, he begged to observe, that it was a clause of considerable importance, and, therefore, required to be drawn with the greatest care; and the learned persons who had employed themselves upon it had found some difficulty in framing the clause to meet all circumstances. That difficulty, he believed, was now overcome, and on Monday next he should be able to lay the clause before the House. There was a question connected with the clause relating to non-residence which he considered of importance, and it was as to the way in which days of non-residence should be counted. By the present law, a clergyman was permitted to have ninety days of non-residence; and the practice now was, to put any days of non-residence, in any one week or month, to any other of such days in another week or month, and to count them all together, as if they were continuous days of non-residence. He had always thought this a hardship on the clergyman, strongly as he was in favour of a non-residence law. He knew the consequence of this to be, in one parish with which he was acquainted, that about half-a-dozen farmers kept each of them a log-book of the days of the non-residence with as much exactness as any sailor ever kept a log-book of the days of his voyage, and the parson could not get out of his parsonage on any account, either to be present as a witness at the Assizes, or for his own pleasure, or to visit a small property he had in the neighbourhood, without the days being carefully noted down and summed up at the end of the year, in order to see whether he had exceeded the ninety days. He should like to see this remedied, and he should endeavour to introduce a clause for that purpose. As to the question whether he meant to proceed with the Bill, the illustrious Duke would recollect that a noble Earl, who was a great authority in these matters, had pressed him to give time for consideration. He thought he should yield to that request, more especially as he believed that it would make very little difference whether the Bill was passed late in the present, or early in the ensuing Session. He was the more inclined to put off the matter, as he had had much correspondence with patrons and clergymen on the subject of pluralities, and the protection of existing interests. He did not think that he should proceed further than getting the Bill printed with the Amendments.

Lord *Wynford* said, that the measure never would give satisfaction. Some would think it went too far—others not far enough; and under these circumstances he should oppose every clause of the Bill, whenever it was introduced for their Lordships' adoption.

The Duke of *Richmond* said, that he was an enemy to non-residence, and he thought it might be prevented, if there was a means of enforcing a certain number of preachings every Sunday, for instance, two in every rural district, and three preachings each day in other places.

The Archbishop of *Canterbury* had always, as much as he was able, endeavoured to prevent the practice of non-residence becoming an abuse. But, as to any further legislative measure, he feared that it would be found totally unproductive of benefit. The subject had been considered by the late Archbishop of Canterbury, the Archbishop of York, and himself, and though they employed themselves in considering it for three years, they had not been able to find out any unobjectionable remedy for non-residence. As to the remedy proposed by the noble and learned Lord against what he deemed a hardship in the present mode of counting the days of non-residence, he thought the amendment of the law in that respect unnecessary, and believed that it would open a door to great abuse if the clergyman was allowed on this or that occasion to be absent from his living without having his absence counted as a day of non-residence. He thought that all the days ought to be counted together. This was a point in the noble and learned Lord's Bill to which he particularly objected, and the same objection existed to all measures framed in the same way—namely, that it left the remedy for non-residence in the hands of the informer, whereas it ought to be placed in no such hands, but in those of the diocesan. He felt called upon to direct the attention of their Lordships to these matters, all of which he considered of great importance.

The *Lord Chancellor* said, that when he spoke before, he had no intention of entering this moment, this inconvenient moment, into a debate on this subject, upon Bills not then before the House; but he was attempted to be dragged into it by the noble and learned Lord, and by the most reverend Prelate, who, he must say—and he said it with the greatest and most sincere deference to the most reverend Prelate—had, without the slightest pretence of necessity or convenience, gone into the complicated question of non-residence. To sit quite still under such provocation, would almost imply the possession of more patience than usually fell to the lot of men, and even an indifference to the subject. He felt no such indifference; but he would not suffer himself to be tempted into the discussion at this moment. As to the clause to allow of certain excuses for absence, on which the most reverend Prelate had expressed an opinion, he was bound to say, that that opinion made him hesitate. The most reverend Prelate thought the Amendment unnecessary. God forbid that he (the Lord Chancellor) should be more for non-residence than the most reverend Prelate. He should follow that opinion, and not produce the clause, but he wished that the clergy should see that it was not he but the most reverend Prelate who kept his amended clause out of the Bill. Then as to the mode of counting the days of non-residence, the most reverend Prelate said that it would open a door to great abuse—he had thought otherwise; but now better instructed on the subject, it was probable that he should not trouble their Lordships with that provision in the Bill—but instead of allowing a certain specified time in the year for non-residence, should permit the present mode to continue as it was.

Subject dropped.

Further evidence was heard on the Warwick Borough Bill.

HOUSE OF COMMONS,

Wednesday, June 25, 1834.

MINUTES.] Bill. Read a third time:—Four-per-Cent Annuities.

Petitions presented. By Mr. BERNAL, from Rochester and Stroud, for Amending the Friendly Societies Act.—By Sir R. DONKIN, from Berwick-upon-Tweed, for a Clause in the Poor Law Amendment Bill.—By Mr. Alderman WOOD, from the Watermen on the River Thames, against the Lord's Day Observance Bill, No. 2.—By Messrs. BAINES and WINDHAM, from two Places,—against the Church Rates Bill.—By Colonel PERCEVAL, Mr. WINDHAM, Mr. WYNN, and Mr. MILDMAY, from several Places,—against the Separation of Church and State.—By Mr. SHAW, from Lustleigh, against the Universities' Admission Bill; from several Places, for Protection to the Established Church of Ireland.—By Mr. FINCH and Mr. PLUMPTRE, from three Places,—for securing Protestant Officers against the necessity of attending the Ceremonies of the Catholic Religion.—By Lord ROBERT MANNERS, Sir GEORGE MURRAY, Messrs. FINCH, HALFORD, and Captain BARNARD, from several Places,—against the Separation of Church and State.—By Lord ROBERT GROSVENOR, from Chester, for a Reform in the Established Church of Wales.—By Mr. FORSTER, from several Friendly Societies, for amending the Act concerning such Societies.—By Lord ROBERT MANNERS, from Loughborough, against the Claims of the Dissenters.

BOROUGH OF DUNGARVON.] Mr. *Feargus O'Connor* presented a Petition from an individual named Richard Keefe, of the Borough of Dungarvon, complaining of the conduct of the authorities towards him in respect to his vote at the late Election for that Borough. The hon. and learned Gentleman proceeded to complain of the acts of the stipendiary Magistrates in the neighbourhood of Dungarvon, and assured the House, that a number of the supporters of the present member for Dungarvon were, without cause, crammed into the Bridewell, and the stipendiary Magistrate refused to take bail for them, or at least demanded such excessive bail, that it was tantamount to a refusal. The petitioner, who was a shoemaker, he refused to release, unless he found bail to the amount of 600*l.* When he recollected that the gaol of Dungarvon was given to the Whig candidate for his voters, he was led to the very natural inference, that every assistance was given by the Government and the authorities to the opposing candidate of the present member for the borough of Dungarvon. There was, however, a previous election for this town, when it was proposed to start the present Solicitor General for it, and he had in his hand a Letter from that hon. and learned Gentleman to a Member of this House, in which he talked of "liberating" the town of Dungarvon. How was he to do this? Why, by means of moving. Every one, however, well knew what was meant by "liberating" a place when mention was made of moving in connection with it. As far as the present member for Dungarvon was concerned, he could assure the House, that not a single penny was spent in the way of bribery; and for this statement he pledged his honour as a Gentleman; whereas he could prove that bribery to a large amount had been committed by a Member of this House. He could also prove, that bribery had been committed by the Government of Ireland, or at least with its connivance. The hon. and learned Gentleman read a Letter from the Solicitor General of Ireland to Mr. Galway M. P., in which the hon. and learned Gentleman (the Solicitor General) said, that he transmitted a draft for 200*l.* towards opening the borough of Dungarvon, and that 300*l.* would be ready to be sent for the same purpose when necessary. The hon. and learned Gentleman also expressed a hope, that the Committee was a good one, and that he waited with anxiety to know how the Committee stood. He would read a notice from the notary, acknowledging the receipt of 300*l.*, and having done so, proceeded to say, that he did not know what defence the right hon. the Secretary for Ireland would make for the Solicitor General. The hon. and learned Gentleman further observed, that the Government had adopted every means to induce persons to vote for the Whig candidate. Amongst others, a person named Hughes was threatened with the loss of his place by Mr. Barron, if he did not vote for him. The Devonshire family had used their influence at the election in a most improper manner. Would the right hon. Gentleman say, that he had nothing to do with the Solicitor General?—or would he say, that the conduct pursued by the stipendiary Magistrate, and the authorities of Dungarvon, at the last election, ought not to be inquired into? Nothing short of inquiry would satisfy the people of Dungarvon, that unfair measures were not resorted to at the last election. Had it not been for the presence of the troops the voters for the present member for Dungarvon could not have got up to the poll. He also complained of the conduct of the right hon. Gentleman, the late Secretary for the Colonies (Mr. Stanley), at the former election for Dungarvon, and he could prove, if an opportunity were afforded him, that that right hon. Gentleman also sent money to the town of Dungarvon. He trusted the right hon. Gentleman would give such an answer as would prove, that Government would punish the persons who had so violated the freedom of election.

Mr. *Littleton* felt the utmost astonishment at the extraordinary proceeding of the hon. and learned Member, in bringing charges of so grave a nature without enabling him, by previously communicating them to him, to procure any information on the subject. The hon. and learned Gentleman had given neither to him or his hon. friend, any intimation of the charges he intended bringing forward. Had he done so they would have been prepared with evidence to meet these charges. The hon. and learned Member charged a Member of this House with no less a crime than perjury. Did he intimate to Mr. Galway his intention to make this charge? Did the hon. Gentleman intimate to the Solicitor General for Ireland his intention to make a charge against him? No, he had not done so and those gentlemen and the Government had reason to complain of the conduct of the hon. and learned Gentleman. Now, had he made such an intimation, was it to be supposed that those Gentlemen would not have been prepared to retort those grave charges? But those charges were, after all, founded on stolen papers. He felt himself perfectly satisfied in saying, that those papers were stolen by some scoundrel employed for the purpose—and they were now produced for the purpose of founding those charges against the right hon. Gentleman. He knew that those papers were stolen from the Solicitor General for Ireland, and the servant who did so was dismissed. Was it not likely that the person who would steal these would also falsify them? He did not say, that they were falsified, but he might assume that they were, and he, therefore, might doubt their authenticity. He had only to regret that the hon. and learned Member should have been made the medium of producing them. With respect to the charge against his right hon. friend (Mr. Stanley), had the hon. and learned Member intimated to him his intention to make it, would that right hon. Gentleman have left the House but a few minutes ago, as he had done? [Mr. *F. O'Connor:* He had intimated to Mr. Stanley, that he intended to make those charges.] He was not aware of that. With respect to the charge against the Magistrate, he had no information on the subject, and he hoped the House would suspend its judgment until correct information could be obtained. The hon. and learned Member asked him, whether he had any interest in the Dungarvon election? He had no hesitation in saying he had. He naturally wished that the person whose politics he preferred should be returned, but he interfered in no way in the election. With respect to the money transmitted to Mr. Barron, it was a subscription collected in Dublin by Mr. Barron's friends. It was certainly an indiscreet thing for the Solicitor General to transmit it, holding the situation he did; but he did not think it a matter of serious charge against him. He should not himself have done so. As to any money having been transmitted by Government, he knew nothing whatever about it.

Mr. *Feargus O'Connor* said, he hoped he might be allowed a few words by way of reply to the serious charge brought against him. He had, as he had already informed the House, told the right hon. Secretary for Ireland of his intention to charge the right hon. ex-Secretary for the Colonies. The right hon. Secretary for Ireland, had applied harsh terms to the individuals who procured these papers. He had no knowledge whatever of them, and he could not therefore, undertake to defend them. He had received the papers from the hon. member for Dungarvon, though the hon. and learned member for Dublin, in whose possession they had been, he had no doubt whatever would have been able to throw light on the subject, if his attendance as chairman of Mr. Harvey's Committee had not precluded his presence there. The right hon. Secretary for Ireland had said, that if he had intimated to him the grounds of his charge, he would give him an opportunity of bringing it before the House; but he did not think it consistent with the dignity of the House that any hon. Member should do that. He stood on his own integrity as the Representative of a large constituency; and he required no aid whatever either from the right hon. Secretary or any other hon. Member, in stating to the House any case of grievance worthy of its consideration. The right hon. Secretary had made but a lame defence for his friend the Solicitor-General for Ireland. He said he believed he had interfered, but he thought it at worst only an imprudence. But by this admission the right hon. Gentleman had fastened a charge where there was before but a suppositious inference. For so much had the Solicitor-General for Ireland to be grateful to the right hon. Secretary. The case was now in such a condition that a Committee of the House to investigate into the whole transaction was absolutely imperative; and he hoped the right hon. Gentleman who had the honour of his friend so much at heart would move for it himself.

Mr. *O'Dwyer* was willing to admit, that those who gave such letters to the public were responsible for the correctness of the means by which they were obtained. He entertained no desire, but, on the contrary, he felt every disinclination to give utterance to a word offensive to the Solicitor General for Ireland, who was not there to defend himself, and whom he believed to be in private life a gentleman of great amiability and worth. He was bound, however, to say, that he went further than the Secretary for Ireland in condemnation of the share which the hon. and learned Solicitor appeared to have in the proceedings of the election. He could not conceive a more grave offence than for a member of the Government, having no local connexion with a town, and whose duty it was to tranquillise the public mind, to stir up social animosities, to identify himself with political cabals, and give the influence inseparable from his office to the side of one of two hostile political parties. With respect to the production of these letters, however they were obtained, they were now before the House, and should be dealt with (unless their genuineness was repudiated) as evidence so far as they went. It appeared from them that a sum of unusual magnitude had been subscribed by an officer of the Irish Government to the purposes of prosecuting an election petition. It was due to the character of the Government to ascertain from what source this contribution proceeded.—If the funds were drawn from the secret service money voted for Ireland, which, in days of less claim to political virtue used to be the manner of assisting ministerial adherents to a seat in the House, it was desirable to have that ascertained. At all events, the matter should be investigated, if it were only in a spirit of justice towards those against whom the hon. member for Cork had brought forward accusations, in very unmeasured terms.

Mr. *Sheil* said, there was one phrase in the letter which he wished to call attention to. It was that which said "making altogether 500*l*." It was a matter of importance to ascertain the facts. The right hon. Secretary had admitted "the imprudence" of the Solicitor General. Now, it was well known that in many Government cases imprudence was a palliative expression for guilt. It was something like the old Spartan custom which made the essence of crime consist in being detected. If it were the fact, that 500*l*. was sent to the Dungarvon election; and if it were proved that the Solicitor General for Ireland had been the medium through which it was conveyed, he (Mr. Sheil) asked the House would the disapprobation of the right hon. Secretary for Ireland be sufficient for the country? Would not a strict and a searching investigation into the facts of the case be absolutely requisite? The right hon. Secretary for Ireland had said, he believed that the Solicitor General had sent the money, and that the money was the amount of a subscription. The right hon. Secretary, if he had any regard for the dignity of the Government and the honour of his friend, ought to make his belief certainty, and come forward himself with the proposition for a Committee. If the Solicitor General should deny the truth of the allegations, he would believe him, because he knew that he was a man of private worth and honour; but he should get an opportunity of vindicating himself. If the Attorney or Solicitor-General of England had done what the Solicitor General for Ireland was charged with having done, there would be an outcry from one end of England to the other. There was another charge in the speech of the hon. member for Cork which the right hon. Secretary did not attempt to disprove. It was that against a stipendiary Magistrate for requiring 600*l.* bail from a working shoemaker. How did the right hon. Secretary seek to justify such an enormous amount of bail? Surely he was as much bound to explain the conduct of the stipendiary magistrate, a dependant on the Government, quite as much, if not more, than he had to explain and defend that of the Solicitor General. But the right hon. Gentleman had perhaps not heard of the case before, otherwise he would certainly be able to give some information on the subject. The right hon. Secretary had indignantly denounced the use of a private letter; but he remembered the time that the present Lord Chancellor of England, when the organ of the party in that House with which the right hon. Secretary now acted, had read a letter of Mr. Saurin, the then Attorney General of Ireland, surreptitiously obtained, at least as surreptitiously as the present letter, and when Sir Robert Peel taunted that noble Lord with having so used the letter of Mr. Saurin, that noble Lord turned round upon him and asked "What, then, was the conduct of the Tories when they resorted to stolen letters for evidence against the Queen?" If, Mr. Saurin's letter had been made use of by the Whigs and the Queen's letters by the Tories, he did not see how either party could fairly object to the present letters being used in the same manner, or why the correspondence of the Solicitor General for Ireland, on such an interesting topic, should be kept hermetically sealed. He hoped his hon. friend, the member for Cork, would not let the matter rest as it was; but that he would take it from its present form of an appendage to a petition, and bring it forward as a resolution, in which these letters should be embodied. Then the attention of the House would necessarily be drawn to it, and the eyes of the country opened to the conduct of the public functionaries.

Mr. *Gisborne* said, that the charge against the stipendiary magistrate was one of a most serious nature. And as it had been asserted that the Solicitor-General had sent down money to Dungarvon for electioneering purposes, it was impossible that the matter could be passed over without inquiry. Still he thought that the hon. and learned member for Cork county was anything but discreet in bringing the subject before the House without giving the hon. member for Waterford notice of his intention.

Mr. *Feargus O'Connor* explained. It had been communicated over and over again to the hon. member for Waterford, that this subject would be brought forward, but the hon. Member did not choose to appear. The letters were only that morning put into his hands, as it was the duty of the hon. member for Dublin to present them. He had only intended to speak to the petition.

Colonel *Perceval* said, it was wasting the time of the House to spend it in debating as to how those letters were obtained, as in his opinion all the cases quoted were equally discreditable. Mr. Saurin had as much reason to complain of a breach of morality as the present Solicitor General for Ireland as the letters of both were obtained by unhallowed means. He hoped, however, that the matter would be fully investigated.

Mr. *Lambert* said, he could never consent to an inquiry founded upon documents obtained in the infamous manner in which the present letter had been obtained. If the accusation was brought forward upon evidence fairly obtained, he would not object to the fullest inquiry.

Mr. *Maurice O'Connell* said, that the Gentlemen who were now in power, and who complained so much of the use made of a confidential letter, had not scrupled to avail themselves of a letter similarly obtained well known as the "tame-elephant letter." The hon. member for Wexford seemed to think, that it was no matter how foul the means used might be, so that they were concealed.

The Petition to lie on the Table.

ESTABLISHED CHURCH.] Sir *George Murray:* The petition which I hold in my hand is a petition for the protection of the Established Church, and against the separation of Church and State. As it has been transmitted to my care from a parish in the county of Devon, a part of the kingdom with which I have no natural connexion, and by persons to whom I am not personally known, I wish to explain in what points I fully concur with the petitioners, and in what there may be, possibly a shade of difference between my opinions and theirs. I most fully concur with the petitioners in my desire to protect the Established Church; and I also most fully concur with them both as to the existence of endeavours to separate Church and State, and in my determination to oppose those endeavours, in whatever form, and under whatever pretext they may be made. My understanding of the separation of Church and State is this, that it is the casting off, on the part of the State, of all connexion with, and all care about, the religion and the morals of the people. I join the two because I think that although it may, perhaps, be possible for an individual to be a moral man, although he is not quite so assiduous as his friends might wish him to be in the discharge of his religious duties, I hold it to be impossible for a nation to be moral which is not also religious. But, Sir, the separation of Church and State as I understand it is the adoption of that principle which I have sometimes heard advanced in this House, that every man is to be left to call in his spiritual adviser, as he would call in his lawyer or his physician. I cannot give my assent to such a principle, nor can I give my support to anything which has a tendency to introduce it. Such a system would not only sweep away at once the Established Church of England and Ireland, the Established Church of Scotland, and those Presbyterian Establishments which are aided by the State in Ireland by the grant called the *regium donum*, but it would produce still further evils; for, the State having thus left the religion and the morals of the people to chance, every form of superstition and every kind of fanaticism would gradually creep into the country. Allusion has been made in the petition to certain of the Dissenters who are using their endeavours for the separation of Church and State, and who couple that demand with their prayer for relief from other grievances. I hope that there are great numbers of the Dissenters who have no such object in view; and I am quite certain, that the highly respectable body of Presbyterians in the north of England have not only no such view, but that they sincerely respect the Established Church, and deem themselves to be closely connected with that of Scotland; for I lately received from them a copy of a memorial which they had addressed to the noble Lord, the Paymaster-General of the Forces, by which they expressed their wish not to accept the boon proposed to be given by the noble Lord's intended Marriage Bill, unless it recognised their connexion with the Established Church of Scotland. Although I am desirous, and have always been so, for relief being given as far as possible from every real grievance connected with religious belief, I can never consent to support any claim which connects itself with the principle of the separation of Church and State. I have alluded to the *regium donum* in Ireland; I think that grant is made upon an admirable principle. Whenever a congregation of Presbyterians is formed to a certain amount in numbers, a certain stipend is allotted to the Minister of that congregation from the public purse; and thus a link of connexion is formed between the State and the religion of the people, which contributes much to the tranquillity and harmony of the country. When there is no such connexion, alienation and discontent take place. We have seen enough in Ireland of the evils which result from there being no link of connexion between the State and the religion of the majority of the people. I should be glad to see such a link established by the grant of stipends to the ministers of that Church. When I had the honour to hold the seals of the Colonial Department, I was desirous of introducing into our colonial possessions the principle of the *regium donum*. In the Canadas in particular, I wished to leave it open to every Christian sect to become in this manner connected with the State. And, if any sect should decline to join that connexion, then that sect would not, at least, have any just ground of complaint against those which did join it. My system was not that of casting off, but of connecting religion to the State—not that of pulling down, but of setting up—not that of taking away emolument, but that of granting it to those Christian sects which might be willing to accept it. With these explanations, I again express my support of the prayer of this petition for the protection of the Established Church, and against the separation of Church and State.

The Petition to lie on the Table.

DUNGARVON ELECTION.] On the Order of the Day being read for going into Committee on the Highways Bill, and the Question put, that the Speaker do leave the Chair,

Mr. *Stanley* said, an occurrence took place that morning to which he begged to call the attention of the House for a moment. Without having previously given him any notice of his intention, an hon. Gentleman, the member for the county of Cork (Mr. F. O'Connor), stated that morning, on presenting a petition to the House, that he (Mr. Stanley) was one, among others connected with the Government, who subscribed a sum of money to forward the return of one of the candidates at the Dungarvon election. It would have been no more than common courtesy had the hon. Member mentioned to him, particularly as he was in the House only two minutes before, that it was his intention to mention this circumstance, for which, as there was not the least foundation, he could not allow it to remain for a moment uncontradicted.

Mr. *O'Connell* said, there was more than one mistake in this matter. He was not present at the time the matter occurred that morning. The document adverted to, however, in the discussion, did not at all authorize the mention of the right hon. Gentleman's name. If the grounds of the charge against the right hon. Gentleman were looked into, he would see there was no necessity that the right hon. Gentleman should deny the charge at all.

HIGHWAYS.] The House went into Committee on the Highways' Bill, and was occupied with it the whole evening. Several Amendments were proposed, and several divisions took place; one of which proposed by Mr. Cayley, deserves to be preserved. On the 66th Clause being proposed, it was moved that those should be exempt from summary penalties who might plough up foot-paths. The Committee divided—Ayes 35; Noes 35.

The Chairman (Mr. Pryme) gave the casting vote in favour of the Amendment.

List of the AYES.

Baines, E.
Barham, H.
Bethell, R.
Brotherton, J.
Buckingham, J. S.
Buller, J. W.
Childers, J. W.
Clive, R.
Crompton, J.S.
Egerton, W.T.
Evans, W.
Ewing, J.
Hardy, J.
Hawes, B.
Hornby, E. G.
Hume, J.
Johnston, A.
King, E. B.
Littleton, Rt. Hn. E. J.
Mangles, J.
Mosley, Sir O.
O'Connor, F.
O'Reilly, W.
Patten, J. W.
Pease, J.
Plumptre, J. P.
Potter, R.
Romilly, E.
Scholefield, J.
Stanley, H.
Thicknesse, R.
Torrens, Colonel
Young, G. F.
Vigors, N. V.
Wallace, T.
Williams, W. B.

TELLER.

Lefevre, C. S.

The Committee proceeded through several Clauses, when the House resumed. The Chairman reported progress. The Committee to sit again.

HOUSE OF COMMONS,

Thursday, June 26, 1834.

MINUTES.] Bill. Read a second time:—Courts of Equity Process.

Petitions presented. By Mr. SHIEL, from ten Places, against Tithes in Ireland.—By Mr. WALTER, from Binfield and Wokingham, against the Poor-Law Amendment Bill.—By Lord HOTHAM, from Leominster, against the Universities Admission Bill.—By Mr. HAWES, from a Friendly Society, against altering the Act concerning those Societies.—By Colonel LYGON, from Welland, for Protection to the Church of England.

LORD'S-DAY OBSERVANCE (NO. 2) BILL.] The House went into a Committee on the Bill.

On the first Clause, imposing a penalty for keeping open shops on the Lord's-day, being put from the Chair,

Mr. *Potter* rose to move as an amendment, that a provision be added to the clause in the following words:—"Provided always that nothing in this Act, or the said recited Acts, shall extend to prohibit the sale of fruit, confectionary, soda-water, ginger-beer, or any other unintoxicating beverage."

Mr. *Poulter* regretted it was his duty to interpose to prevent the introduction of such a proviso. He had received numerous applications to enlarge the existing law on this subject, and as he had refused to accede to them, he felt bound on the other hand to prevent any diminution of the law, as it now stood. If the House were to make an exception of any particular trade, shops would immediately be set up in all parts of the town for the sale on Sunday of the article excepted. The amendment proposed by the hon. Member would expose him to the charge of having introduced a Bill for the violation of the Sabbath, rather than one for its better observance.

The Committee divided on the original Clause—Ayes 38; Noes 4: Majority 34.

Clause agreed to.

List of the AYES.

Agnew, Sir A.
Barnett, C. J.
Byng, G.
Colbourne, R.
Dare, R. W. H.
Dugdale, W.
Evans, W.
Eastnor, Viscount
Finch, G.
Foley, E.
Grey, Sir G.
Greene, T.
Heathcote, G. J.
Halcombe, J.
Hill, Lord M.
Jermyn, Earl
Langdale, C.
Lefevre, S.
Lennox, Lord W.
Lennard, T. B.
Miles, J.
Mosely, Sir O.
Pelham, C. A. W.
Plumptre, J. P.
Poulter, J.
Pryme, G.
Rumbold, C.
Sandon, Lord
Sandford, F. A.
Shawe, R. N.
Sinclair, G.
Stewart, Sir M. S.
Talbot
Tynte, K.
Verney, Sir H.
Villiers, Lord
Wilbraham, G.
Wilmot, Sir E.

On Clause 2 being put,

Mr. *Potter* moved an Amendment to the effect of permittting baker's shops to be kept open till two in the afternoon, and also to permit the sale of butchers' meat, fish, or green grocery, before half past nine on the morning of Sunday.

Mr. *Poulter* opposed the Amendment. The Bill provided, that shops for the purpose of baking should be kept open until half-past one, which gave ample time to those who sent their provisions to the baker's, without the unnecessary extension of the time to two.

Mr. *O'Connell* said, the Bill ought to be called "A Bill to establish Baking on Sundays." He hoped the House would not sanction this Bill. It was childish legislating on such a subject as this. It was admitted, that nothing was more objectionable than legislation between master and servant on the subject of wages, and yet this Bill proposed to interfere on that subject. He hoped the hon. Member would give it up. He would put it to him seriously whether there was not a stricter religious observance of the Lord's-day in London at the present time than there ever had been before. He recollected at the period he was a student at the Temple very few families, comparatively speaking, attended divine service, whereas now nearly every family attended. The observance of the Sabbath seemed to proceed in an inverse ratio to the enforcement of the law. As the laws on this subject became relaxed, the Sabbath was much better observed? If people chose to attend divine worship in the morning of Sunday, and laugh at home in the evening, why should they be prevented? For his part, he thought that was the best way of spending the Sabbath. When the Report was brought up, he should move, that it be read a second time that day six months.

Mr. *Poulter* would appeal to the House whether the petitions which had been sent up from all parts of the country did not demand legislative interference on this subject? The evils the Bill was intended to remedy were most notorious. He had received many communications from different parts of the country, complaining of the increase of trading on the Sabbath-day; indeed, it was only the other day he was informed by the rector of Lambeth that there was more marketing carried on in some parts of that parish on a Sunday than any other day in the week. He had also received a letter from Dublin requesting him to include Ireland in the Bill, but as the subject had been taken up by his hon. friend, the member for the University of Dublin, he declined to accede to such a recommendation. He believed such a Bill to be necessary, and should therefore not listen to the suggestions of the hon. member for Dublin to abandon it.

Mr. *Fysche Palmer* strongly objected to many of the enactments contained in this Bill. He would put it to the House whether it was just to compel the labouring man, who perhaps had but one room for all his family, to purchase his meat on a Saturday night, and hang it up in his bed-room until the Sunday morning, in every season of the year, because it might be injurious to some tradesmen to permit the sale of provisions on a Sunday morning, or because it was considered by some persons to be a breach of the religious observance of the Sabbath. He agreed with the hon. member for Dublin that the Sabbath was much better observed now than formerly.

Mr. *Ward* had told his constituents, that it was by their own individual exertions, and the exertions of the clergymen, that the morality of the people would be improved. The recommendation he had given had produced an entire change in their sentiments, and he had not received another application to support the Sabbath Bill. He thought that legislation on such a subject would be attended with bad consequences.

Mr. *Finch* admitted the subject was a most difficult one to legislate upon; but the speech of the hon. member for Dublin would prevent any legislation on the subject. He thought this Bill would check immorality, and therefore he should give it his support.

Mr. *Gisborne* agreed that the Sabbath was much better observed now than formerly, The hon. Member had said this Bill was only a revival of the old law. If the old law had fallen into disuse, he asked why that was? Was it not because it was opposed to the general feelings. He was of opinion that any legislation a whit beyond the general feelings on the subject would be attended with the most injurious effects. It was said the tradesman who refused from conscientious motives to open his shop on the Sabbath would be greatly injured by permitting any trade to be carried on on the Sunday. He was of a different opinion; he thought the conscientious buyer would always protect the conscientious seller. The feeling which once existed in the country in favour of this measure had very much cooled.

Mr. *Poulter* denied, that any diminution of the public feeling on this subject had taken place. An hon. Member held thirty petitions in favour of some legislative measure of this kind, but had not been permitted to present them before the discussion commenced. So far as he himself was concerned, he had no personal wish on the subject; he only desired the sense of the House should be expressed. He denied, however, that either law legislation, or the feeling of the country had slept on the subject.

Mr. *O'Connell* said, as there had been so much legislation on the subject, a most decisive reason had been given for not adding to the heap. He should therefore move, that the Chairman Report Progress.

Sir *George Grey* said, the course pursued by the hon. and learned member for Dublin was a most extraordinary one. He should be glad if that hon. Gentleman would point out from what part of England a petition had not come calling upon the House to pass some measure on this subject. The House last Session sanctioned the principle, that some legislation ought to take place on the subject, though it rejected the particular Bill that was introduced. A Bill had now been submitted, merely to revive existing statutes. Its principle had been admitted, and now the hon. and learned Member came down to the House when the Bill had proceeded to Committee, and sought to get rid of it altogether by a side wind.

Mr. *Beaumont* hoped the hon. Member would press his Amendment to a division, if it was only to show the opinion the House entertained of that feeling of puritanical fanaticism which had mingled itself up of late too much with the spirit and temper of the times.

Mr. *O'Connell* said, undoubtedly his intention was to get rid of this Bill, though he did not think the mode he had adopted a very desirable one. He thought, however, it would be much more convenient to throw it out now, than after two or three days' tedious discussion in Committee during this sultry weather.

Sir *Andrew Agnew* said, that so far from this Bill being an oppression to the poor, the majority of the petitions in its favour had proceeded from them.

The Committee divided on Mr. O'Connell's Amendment—Ayes 32: Noes 67; Majority 35.

The several Clauses of the Bill were agreed to, with some verbal amendments, and after the Committee had twice divided upon Amendments tending to mitigate the severity of some of the enactments,

The House resumed, and the Report was brought up.

On the Motion, that the Report be received on Monday,

Mr. O'Connell moved that it be received that day six months.

The House divided on the original Motion—Ayes 71; Noes 26: Majority 45.

Report to be received on Monday.

GAME LAW AMENDMENT.] Mr. Lennard moved the second reading of this Bill.

Mr. Grantley Berkeley moved, that it be read a second time that day six months.

The House divided on the question that the Bill be read a second time "now"—Ayes 35; Noes 43: Majority 8.

The House again divided on the question, as amended, that the Bill be read a second time that day six months—Ayes 55; Noes 24: Majority 31.

Bill put off for six months.

POST-OFFICE.] Mr. *Robert Wallace* said, that, in rising to offer a few observations on the subject of the Post-office, he was well aware that he was undertaking a task of no small magnitude. His reason for undertaking it was his conviction that it was essentially necessary that this department of the public service should be placed soon upon a different footing. On a former night he had addressed himself to the transactions between England and France, and he had expressed his unqualified approbation of the course which had been pursued by the late Postmaster-General. As to papers entitled "Papers relating to the Post-office," which had been handed round to the Members of that House, he could not understand what right any party had to place such papers in the hands of Members; they were not papers that had been ordered to be printed by the House—they were not authorized by the Speaker, and no party, therefore, had a right to send them round in the manner in which they had been distributed. As to their contents, he would say, that they contained more delusive and inaccurate statements than could be well put together in such a compass, and on such a subject. This document enumerated various improvements that had been effected in the Post-office, and for which the Postmaster-General took credit. Now, if any one would take the trouble of going through the Reports which had been made by the Commissioners of Inquiry on the subject, it would be seen that all those boasted improvements had been long since recommended by those Commissioners. In advocating a change in the system of the Post-office, he wished to lay down *in limine* four great and leading principles. The first was, that the head of this department should not have the power of allowing his duties to be delegated, or to delegate them. The second was, that no monopoly should be allowed to exist in a public department. The third was, that the public money should not be devoted to the purposes of speculation. And the last, and not least, was, that it was contrary to sound principle for any party in the receipt of revenue to be allowed the right to disburse it. The right and proper way to keep just and fair accounts in every department obviously was, that every department in the receipt of revenue should pay it over to the Treasury, which should alone have the authority to disburse it. He must say, that it appeared to him that the Postmaster-General had powers delegated to him which it was not in the power of royalty to grant; they were powers in fact inconsistent with the rights and privileges of both Houses of Parliament. The hon. member for Northampton, on a former occasion, had insinuated that he (Mr. Wallace) had endeavoured to obtain the patronage of appointing the post-master for the town he represented; now he would just read the letter which he wrote to the Treasury on the subject, to show that such was not the case. The hon. Member read the letter, in which it was stated that he felt it to be his duty, as Representative of the town of Greenock, to apprise the Lords of the Treasury of the death of the post-master of that town; that he understood that the practice was for the Member of such towns as Greenock to recommend a fit and proper person to fill that important office; but that he would not do so until he had been informed by their Lordships that he had the right to do so. When he had been applied to by his constituents on the subject, he replied that he believed he had no right to make such a recommendation; that it had certainly been exercised by the Representatives of towns in an unreformed Parliament; but that he had written to the Treasury respecting it, and that if it should appear that he had such a right, he would forward his recommendation to the Treasury, and let them deal with it as they might think fit. He would leave the hon. member for Northampton to say, whether that looked like seeking for the patronage connected with the appointment to this office. The hon. Member next adverted to the intercourse between this country and France. He believed, that there was much more liberality in the French Post-office than here. The packet from Dover went with a mail, but came back without; and it was the same with the French packet; and consequently the expense was doubled; but he understood that the blame rested with the English Post-office, and that very liberal offers had been made by the French Government to ours. Whether they would be accepted remained to be seen. He was afraid they would not, for our system was altogether sordid and illiberal. There was one point to which he especially called the attention of the House—namely, the detention of our correspondence with all parts of the world one day in the week by the Post-office not sending out a mail on Sundays. Entertaining, as he did, as much respect and reverence for that day as any man possibly could, he thought it monstrous that our correspondence with the whole civilized world should be suspended for the sake of such a minor consideration. The hon. Member quoted from the papers relating to the Post-office the description there given of the duties of the Secretary to the Post-office, and complained of the immense powers possessed by him. It was a fact, that the late Post-master-General, and more especially his predecessor in that office, had been under the government of the Secretary to the Post-office. The power and patronage wielded by the Secretary were far too great to be possessed by one individual. It appeared from those papers that his salary amounted to no less than 4,160*l.* per annum, 3,000*l.* of which, it was stated, was paid to him by way of compensation for privileges which he had formerly possessed. Now he (Mr. Wallace) would contend, that those privileges which the Post-office Secretary formerly possessed were completely illegal—that he was, therefore, entitled to no compensation for relinquishing them—and in his opinion, that officer should not only have the amount which he now received as such compensation reduced altogether, but that he should be obliged to reimburse what he had already received on that score. The next department he had to notice was the Mail-Coach Department. It was the general opinion that nothing could exceed the Mail-Coach Department of this country. Formerly that opinion was perfectly correct, but nothing was more incorrect than such an impression at the present time. He could himself name twenty coaches, not light coaches like the mails, but heavily laden stages, that left London daily, which were better served, better horsed, and which kept a better pace than several of the mails, and which kept as good time as the quickest of the mails. How did it happen that such coaches, carrying a great load of luggage and a crowd of passengers, could compete with the mails, which carried few passengers and little luggage in addition to the Post-office bags? It would be a great accommodation and convenience to the public if the mails carried greater loads, which they might easily do, than they did at present. The hon. Member condemned the monopoly of building the mail-coaches enjoyed by Mr. Vidler, and recommended that it should be thrown open to competition. The hon. Member next proceeded to complain, that, with the exception of the General Post-office, there was no place open for receiving letters from seven o'clock on Saturday night until ten o'clock on Monday morning. He considered that a great inconvenience to the public. Why should there be only one delivery and one departure in the day? Such was not the case in any other important place. In Liverpool, for instance, such was not the case. He had heard that it was given as an excuse for not sending things by the Dover mail on a particular night, that the mail was overloaded. Then why, in such a case, not employ two coaches? He had never heard of a trading company, and such he considered the Post-office, complain that it had too much to do. If it had too much business for one mail on the Dover road, it should run two. The Post-office at present proceeded upon the mere grovelling system of collecting a revenue, without any reference to the improvements that might be made in the system. He was convinced that if the Post-office system were placed upon a more liberal footing, the revenue collected by it would be much greater, and all the complaints which were now so generally made throughout the country respecting it would cease. He thought that two mails should start from London at different periods of the day, on the North-road, on the Dover-road, and some of the other great roads. He was of opinion, that two mails should depart from the Post-office in the day, one at ten o'clock in the morning, and the other at ten or twelve o'clock at night. Such a system, particularly on the northern road, would be productive of great public advantage. He was sure that it would pay. But suppose it did not, surely the people that travelled by the North-road had as much right to expect the Post-office to send two mails for their convenience on that road, as it despatched three sets of steam-packets to Ireland for the convenience of passengers. He would not have any of those steam-packets taken off. Justice should be done to Ireland, but why not apply the same principle to England and Scotland? He had last year moved for a Return of the number of prosecutions that had been instituted against persons for illegally conveying letters; that Return had since been made, but not in conformity to the terms of his Motion. However, it would show the system that was carried on by the Post-office Solicitor. The office of the Solicitor to the Post-office also required examination, for he believed many things took place there, which the Postmaster-General knew nothing at all about. In Scotland the Solicitor of the Post-office demanded, that letters should be sent him for the purpose of prosecuting the lieges, and many persons had, in consequence of his proceedings, been fined illegally. In England the Postmaster-General put a stop to these proceedings on his own authority, but in Scotland they were carried to a great extent. In Glasgow one man received notice that he had contravened the law, and incurred penalties by sending letters otherwise than through the Post-office to the extent of 570*l.*; and it was said, that the proceedings against him were founded upon information. This, however, was not the fact, for the Post-office had opened the letters, and were guilty of felony in doing so. It appeared from the Return which he had moved for, that the informations which had been lodged in England amounted to 200, while in Scotland, in the same time, they amounted to 524, and in Ireland they amounted to only eighteen; why should there have been such an extraordinary number in Scotland? It was the practice of the Post-office authorities to go to the coach-office and seize the parcels there, and if they found any letters in them, to prosecute the persons sending them. They had no right to do so. Such a practice was productive of great inconvenience and annoyance to the public, especially to professional men, such as solicitors, who were in the constant habit of sending important parcels by coach. He was informed by solicitors at Gloucester, that they experienced such annoyance from the Post-office opening their parcels, often containing as they did important and delicate documents, that it was their determination to employ a person to go at stated periods with their parcels to London, to defend them, and not allow the Post-office to touch them. In the Return he had moved for, the places where the informations had been laid were required, but no such thing was given. The plain inference was, that it was not thought advisable to give it. For every 5*l.* levied under such informations, of which the Post-office received 2*l.* 10*s.*, an expense of no less than 15*l.* was incurred, which went into the pockets of their professional men. The proceedings of the Scotch solicitor to the Post-office, to which he had already referred, were, he had no doubt, quite contrary to law. The Post-office department was conducted with so much secresy, it was kept with all its proceedings so much out of the public view, that nobody could know anything certain of its interior management; and it was therefore impossible positively to prove many of the charges which the public believed, and which he believed, to be well-founded as regarded the Post-office. One of these charges was, that during the sorting of letters parties were allowed to select letters for an early delivery. He understood that such was the case. Within the last few days a friend of his, living in Dorset-square, applied to the postman to know whether he could have his letters by the early delivery; and the reply was, that he could, by paying 5*s.* or 7*s.* the quarter. No such practice should be allowed in a public office. With regard to his (Mr. Wallace's) letters, about which he complained last year, he was still convinced that the seals had been broken, and that they had been opened by the Post-office. He believed, too, and his correspondents believed, that his letters and their letters to him continued still to be opened. It was only three days ago that he received, through the twopenny-post, two letters, one of which had been delayed two days, and the other one day longer than they ought in their delivery. He wrote to Sir F. Freeling to know why they had been delayed, and why they had been sent to him through the twopenny-post. The reply to his letter was, that though it was true his letters, which had travelled through the General Post-office from Edinburgh to London, had been missing for two days, yet where they had been during that interval could not be accounted for. Sir Francis Freeling said, that he had endeavoured to trace them, but his efforts had been in vain. He (Mr. Wallace) would leave it to the House to judge whether this most extraordinary circumstance did not serve to show the necessity of reforming the two post-offices.

He would propose, that the two establishments—the general and twopenny post-offices — should be consolidated; and whenever it could be done one general system established. The system of charging poor persons who lived in villages one penny extra for every newspaper or letter addressed to them was most odious, for in effect it exacted a tax from a class of individuals ill able to bear it. This was not the time to press in any, the least degree, upon the industrious classes, and he contended that in respect to their letters and newspapers, they ought to be placed on the same footing with the rich man. He admitted, that there were many excellencies and conveniences arising from the Post-office establishment, but still it was also contaminated by many evils, of which he sought by the present Motion to cleanse it. One of those evils was the impost upon the poor man to which he had adverted, and he could not conceive on what grounds it could be maintained, especially when the aristocracy of this country were born to have their letters passed free. Another amendment also loudly called for in the Post-office arrangements of this country was a more equal regulation of the rates of postage than were at present in force. In this respect the example set by the French Government was well worthy of imitation. He was prepared with the whole of the French scale, and with the French Post-office laws, as lodged with every postmaster throughout that country, so as to enable every man to know whether or not he was cheated. He also strongly deprecated the present course followed in this country with respect to the Sunday post. In this feeling he was corroborated by the authority of Sir F. Freeling himself. This system, under which letters might lie in all the small post-offices throughout the country for many hours, afforded a facility for taking out money from letters so deposited, and of which the country had much reason to complain. The extent of peculations thus effected, and indeed thus assisted, could scarcely be accurately known, for the return which had been made was confined, as the hon. member for Northampton had stated it necessarily must, to the amount of monies taken out of letters for which parties had been prosecuted. Here, then, was another ground for complaint, for it would seem as though the head of the Post-office could stand in the situation of Judge, and either dismiss his officials from the service on a charge being made, or prosecute, as he might think fit. This was a most unconstitutional power to place in the hands of any one individual or body of individuals, and was one which he much doubted whether the Sovereign possessed the power to delegate by his patent. From the detention, too, of the mails on Sundays (for though the coaches travelled, the mail-bags were detained) another evil arose—namely, that however important the business, however serious the nature of the communication, and however urgent its object, no man could send a letter (not even by coach, for it would subject him to a penalty) from the metropolis for a space of forty-eight hours—namely, from seven o'clock on Saturday night, to seven o'clock on Monday night. In illustration of the ill effects of this system, he would mention a circumstance which had come under his own observation at the receiving-house at Charing-cross, where an individual, whom he subsequently ascertained to be a servant of Lord F. Fitzclarence, with a most creditable feeling, was anxious to send some pecuniary assistance to his brother, who he had reason to believe was in a dying state in Birmingham. The man arrived a few minutes too late at the receiving-office, and his distress was indescribable. He seized the reins of the horse, declaring he would give all he possessed in the world if his letter were taken. He had subsequently on the following Monday franked the letter containing two sovereigns for the man; but this fraternal gift, by the delay which had ensued, might have reached its destination too late to be of benefit to the party whom it was destined to assist. Doubtless many such instances were of daily occurrence, but this alone served to show the necessity of the mail being regularly despatched on Sundays. He could not understand why they should not be sent. He had made inquiry at the Post-office, and the answer he generally got was, that Sir Francis Freeling humbugged them all; that he kept his town house and his country house; and loved his ease too well to have Sunday mails. He now came to a matter which he was quite sure the House was not at all prepared to hear—he alluded to the steam-packet service in the employ of the Post-office department. He must first remark, that the Returns connected with this branch of the department were most fallacious, and had been prepared in a manner not only totally different from that followed at the Treasury, Navy, and War offices, but from which it was impossible for any individual to gather accurate information. Dismissing this point, however, he must remind the House that the Post-office had erected an immense establishment of steam-packets, contrary to, and in the very teeth of, the recommendation of the three Commissioners of Inquiry, as contained in their 22nd report. One of the objects of the speculation thus commenced was shown by the evidence of Mr. Freeling, the then acting Postmaster-General of the day. He said, " A few days since, I received a letter from Mr. Lees (the Secretary to the Irish Post-office) and from the agents at Holyhead, that the steam-boats had commenced operations, and that from the extensive scale upon which they are conducted it may be expected that their combined exertions will complete the annihilation of the regular profits of the general steam-packets." The Post-office, however, commenced to build their steamboats without plans or specifications being previously furnished, and the whole proceeding was conducted in a most extravagant manner; while, if the boats had only been built by contract, as had been recommended by the Commissioners, they might have had not only a better but a much cheaper supply. Though the Clyde had been the first to send forth steamboats, the ports on that river had suffered greatly from the course pursued by the Post-office. A company, which had been formed amongst his constituents to place a steam-boat on the Dublin station, which of course beat all the Post-office sailing packets, had made several offers to the Post-office, in order to save their interests from being destroyed by a competition with public funds. They had first proposed to carry the mails for nothing; this was refused, unless the Post-office was allowed to put into the vessels commanders of their own selection. The company acceded, but were met by a new demand —viz., that the vessels should sail at such hours as the Post-office should appoint. In this also the company acquiesced, provided it was undertaken to return the boats in as good condition as they received them. A direct refusal terminated the negotiation, and the result of the monopoly of the Post-office had been the ruin of two out of three families who had embarked their property in the company. In the same way the Liverpool Steam Company, knowing that it could not compete with the public money, offered to carry the mails for nothing, but it was refused. It was not right that the public money should be used to crush private enterprize, and yet, in the case he alluded to, the Post-office packets had entered into a competition with the Liverpool Company to reduce the fares, and had, he believed, carried over in one year 5,000 or 6,000 persons for nothing. Out of this system also had grown up a most expensive land establishment for the repair of steam-boats at Holyhead, to which the boats from Milford and other stations were all taken. In this establishment there was a nice coterie, who no doubt had snug pickings, for nothing was done by contract, neither was anything supplied by tender. He would not trouble the House with the details of the amount of the expenses of the Post-office steam-boat establishment; but it would appear that in nine years, beginning in 1821, and ending in 1830, the Treasury were in advance to that department not less than about 670,000*l.*; for the four years since he estimated 400,000*l.* more would be required; and therefore, calculating interest at the rate of five per cent, there could not now be less to the debit of the Post-office than a sum of 1,300,000*l.* A great deal of indignation had formerly been expressed with reference to the mode in which the affairs of the Post-office had been conducted in Ireland, but nothing had been said of the state of things in the same department in Scotland, in which one system of plunder prevailed, until the Commission of Inquiry went forth, and the whole was hushed up. This took place at the time Mr. Freeling was at the head of the general department, and he (Mr. Wallace) maintained he was accountable for all that took place; on the inquiry it turned out, that eleven sorters in the Edinburgh and Leith post-offices were implicated in criminal practices—that a combination of twenty-one letter-sorters had realized, by peculation, 2,000*l.* a-year for a long period; and that in all no less than thirty-six officials were implicated in the division of plunder, while others had perjured themselves in order to escape the investigation. He meant to contend, by implication, that the same practices still continued, inasmuch as the same parties continued in office. Scotland had also to complain, that the whole of the mail-coaches, save one, had been stopped, and that, desirable as it would be, no mails were sent by the numerous steam-boats navigating the Clyde, and which afforded so admirable a means of communication with the Highlands of Scotland and with Ireland. The only mail-coach, instead of going direct, travelled round by Stranraer, and through the county of Ayr, in order to maintain those immense jobs, the harbours of Portarlington and Donaghadee, while a direct communication by steam from Greenock to Ireland would effect a saving of time of not less than thirty hours. It was impossible that such a state of things could much longer continue, though the Post-office seemed to look to its revenues rather than the convenience of the public. He had already stated, that the mail coaches had been stopped in Scotland, and the mail bags, with their valuable contents, were either conveyed on horseback or in light carts; but the routes of many were so circuitous as to deteriorate even from these modes of conveyance. It had been communicated to him by his friend Sir T. Brisbane, that letters to the town of Kelso were taken a circuit of seventy-five miles, though they could be directly conveyed by a route not exceeding forty miles. Indeed, this inconvenience was so strongly felt in some districts, that the editor of the *Kelso Mail* had established a post of his own for the transmission of his newspapers. Who wished to see these two-penny-halfpenny reductions made, for which the Government had chosen to take credit to itself? He really hoped, that persons would be found to take a more liberal and extended view of things. He would not detain the House longer than five minutes, whilst he read a few extracts from the evidence given by the late Postmaster-general before the Committee of the House of Commons appointed to inquire into the reduction of salaries. [The hon. Member proceeded to read the extracts, making comments upon them from time to time, with a view of showing that great abuses and jobs existed in the Post-offices of Scotland and Ireland which had not been remedied.] The opinion of the Committee before whom this evidence was given was against the performance by a single individual of the duties which were attached to the office of Postmaster-general, which was in favour of his Motion for a Committee of Inquiry. He had selected these extracts from a very large and voluminous body of Reports, almost half a-yard thick, and he would not weary the House by going further into them. Before, however, he sat down, he must advert to the sentiments of the late Secretary for the Colonies, when he was attacked by the hon. member for Bath on account of the proceedings taken by the government of Lower Canada—namely, that as the Government was on that question placed on its trial, it was necessary that an inquiry should be instituted to prove the Government had acted in a manner befitting the honour and interests of the country. In that sentiment he entirely concurred, and it applied with unabated force to the present question. Complaints were loud against the Post-office system of mismanagement; let the noble Lord satisfy the public that these complaints were ill-founded, by setting an inquiry on foot that would disprove the charges brought against the Post-office. Let the noble Lord, too, remember the sentiment to which he gave utterance on the 14th of December, 1830—"Thank God, the time for governing this country by patronage has passed by." It was worthy of the noble Lord's consideration. The hon. Member concluded by saying, that whatever the talents and the industry of any one man might be, the avocations of a Postmaster-general were too multitudinous for one man to discharge them to the public satisfaction, and on this ground, in common with those which he had before urged, he trusted the House would not refuse its support to the Motion. He moved, "That an humble Address be presented to his Majesty, praying that he will be graciously pleased to appoint a Commission to inquire into the management of the Post-office and packet service."

Mr. *Edward Lytton Bulwer* thought, there were many matters connected with this subject which rendered inquiry desirable; amongst others of considerable importance, was the deficiency in the payments to the revenue, amounting on the average to 517*l.* 14*s.* 3*d.* weekly. His hon. friend had alluded to the situation of Solicitor to the Post-office. The salary of the individual who held this appointment was 300*l.* a-year; and it was generally thought, that this sum was all that the Gentleman received from the public on account of his professional assistance. The fact was, however, that this 300*l.* was paid only as a kind of retaining fee, and that the annual emoluments of the office were not less than 2,500*l.* Hon. Gentlemen opposite might doubt his statement, but he gave it on the authority of the Report of the Committee of 1829. Now, it was an admitted principle, that a Solicitor ought not to have an interest in creating legal difficulties, and in increasing the correspondence, for his share of which he charged at the rate of 6*s.* 8*d.* per letter. The Solicitor to the Post-office, like other Solicitors to public bodies, ought to derive his whole emolument from a fixed salary. He would next speak of the Two-penny-post Department. The average mileage of the General-post was 7*l.* per mile for the year; but throughout the Two-penny post offices it amounted to 11*l.* for the year. Struck with the disparity, the Commissioners who were formerly appointed, after investigating the matter, suggested an expedient by which they might get rid of the whole of the expense of the mileage. The proposal was, that a contract should be entered into with the proprietors of the regular coaches on the roads, who should be made to give security for the proper discharge of the duty intrusted to them; it was at the same time suggested, that their remuneration should consist in their being exempted from the payment of the turnpike tolls. This, it was thought, would pay the short stages amply for carrying the bags, and while the public would get all the advantage of the business being performed, there would be saved the whole of the extravagant charge for mileage. He must say, that he did not, as a general principle, approve of the appointment of Boards for the despatch of business; responsibility was unnecessarily weakened by trusting to five persons a duty that might be discharged by one. But in the case of the Postmaster-general, the individual ought to be one who was accustomed to the routine of business, and who was completely master of all the details connected with his particular office. The principle that ought to be kept in view by him who was at the head of the Post-office was, that this department was the great medium of communication of all private and public interests, and it was his duty to see how far he could extend the advantages of that communication. Was that principle likely to be acted on under the present system? Now, if a Duke resigned, they must look out for an Earl or a Marquess to fill his place. He did not wish to discourage noblemen from taking office, but regard ought to be had to their being in every respect fully qualified for the duties they undertook to perform. They at least ought not to be invariably selected to the exclusion of other persons, who, if permanently appointed, would gain greater experience, and discharge their duties more efficiently. During the last ten years education had increased, commerce had increased, and there had been more political excitement than usual, which always occasioned an additional amount of correspondence. Notwithstanding this, the revenues of the Post-office during the last ten years had diminished. It was calculated, that the relief afforded to the public for the last ten years in the reduction of charges, amounted to 25,000*l.*; but the number of letters had increased 15,000 a day since 1829. In 1829, the average number of letters was 15,000 a-day less than at present. If, then, they took that calculation as their basis, it would be found that the revenue should have increased more than five times the amount of the 25,000*l.*, from which the public was relieved. During the last ten years, in which period the revenue of the English Post-office was stationary, that of the Post-office of France had doubled. It appeared to him, that on these facts they must arrive at one of three conclusions. Either our scale of charges for the transmission of letters was too high, or the Post-office revenue was not well collected; or the expenses of the establishment were not in a fair proportion to the profits. Whatever the cause of the deficiency, he thought, that a sufficient case was made out for an inquiry. He hoped, that the noble Lord would not refuse his consent to the proposed investigation.

Mr. *Vernon Smith* said, he had undertaken to offer a few observations to the House on this question, having been personally requested to do so by the noble Duke who had lately presided over the Post-office Department. He trusted, however, that the House would do him the justice to believe, that he would not appear there merely as an advocate; he assured them, that his views entirely coincided with the statements that he was authorised to make. He begged further to assure them, that in all the intercourse that he had ever had with the noble Duke, he had found in him the greatest candour, combined with the most perfect willingness to entertain such objections as might be made to any of the proceedings of the Post-office, and if he thought the suggestions worthy of consideration, and subsequently of adoption, he invariably carried them into execution with that integrity of purpose which distinguished his manly character, and which made his secession from office, if he might then allude to that subject, a severe deprivation. He would address himself to a few of the facts of the hon. Gentleman opposite, if such his statements could be called, after he himself had told the House, that he gave them without being able to vouch for their accuracy. One of the charges made against the Postmaster-general was, that he had produced certain information to the House; and it was asked, was it ever heard of before, that a Postmaster-general volunteered information? It was rather extraordinary that at the very moment when this objection was stated, the hon. Gentleman submitted a Motion to the House, the object of which was, to obtain information. As regarded the information being volunteered, however, it would have been well if the hon. Gentleman had searched the journals of the House before he made the charge: because, if he had so done, he would have found that, on the 4th or 5th of March last, the paper in question was ordered by the House; a Motion to that effect being made and agreed to. Before the hon. Gentleman recommended the renewal of the old Commission which had been appointed, he ought to consider to what extent the arrangements he had in view were already in progress. The hon. Gentleman suggested, that the revenue of the Post-office ought to be kept completely under the control of a Revenue Board; to this it might be replied, that it was so at present; for no money derived from the establishment could be expended without the sanction of the Lords of the Treasury, The hon. member for Middlesex might think this an incompetent Board; at all events, he must admit, that the Post-office revenue was under some control. The hon. Gentleman had recommended that Sunday Mails should be established. He (Mr. Smith) had personally no objection to them; but he believed that the hon. Gentleman would find considerable difficulty in obtaining the sanction of the House to his proposition. He would remind the hon. Gentleman, that Sabbath Bill, No. 1. and Sabbath Bill, No. 2. were not yet disposed of, and he would submit, that it might be considered a strange affront to the hon. Members who had brought in those Bills, to propose, in direct opposition to them, the despatching of Mails on the Sunday. [Mr. *Hume:* The Mails go now.] He knew they did; but they carried no letters, and were not publicly sanctioned, as they would be by the conveyance of letters. He, however, would leave the hon. Gentleman to settle this matter in his own way with the House. The hon. Gentleman, in referring to this point, had brought some severe charges against Sir Francis Freeling. The hon. Member said, that Sir Francis Freeling wished to enjoy his Sundays. He did not think it very unnatural that such a wish should be entertained; but it could hardly be supposed, that that consideration alone would be sufficient to prevent despatching Mails on a Sunday. The hon. Gentleman had other grounds of complaint against the Secretary to the Post-office. He admitted him to be the civilest of all public functionaries; but he, at the same time, quarrelled with him for taking on himself authority. The hon. Gentleman's recommendation was a Board with a Secretary; but what Board could be mentioned, the Secretary or Chairman of which had not the principal authority. The Secretaries of the Admiralty and Treasury Boards were in constant communication with other public bodies. There must be one person who was, in fact, the executive authority, to whom matters of detail were delegated. As regarded the compensation which the Secretary to the Post-office ought to receive, that was not properly a subject of Post-office inquiry. If the hon. Gentleman thought the present salary too much, let him bring the matter as a distinct motion before the House, when no doubt it would be dealt with as the House dealt with every similar question, justly and economically, though he would remark, that he believed the present remuneration to be as strictly founded in justice as any remuneration could be. But if it were not, it was a financial matter for the House, and it was unfair to bring it forward in aggravation of the charges made against the Post-office. The hon. Gentleman recommended, that the contracts for the lines of road should be open to competition, and they were so; but it was not thought discreet to trust in every case to the highest bidder so important a contract as that of the conveyance of the mails. The office was limited, therefore, to a certain number of persons, who were known to be responsible, and to be the most likely to undertake the business with all the responsibility; the practice was, to take the highest offer made by those individuals. The hon. Gentleman had talked of a new scheme, but he was at a loss to discover in what it consisted. It appeared to him, that the hon. Gentleman laid down no broad principle, but confined himself to little matters of detail. If it were proposed to abandon the revenue derived from the Post-office, and to make the establishment a means of communication only, that would be a tangible question, and would be a fair matter for the consideration of the House; but the hon. member for Greenock had not gone that length, and he was not aware that the hon. member for Middlesex had; at all events it did not appear to him that such a reduction would be much in accordance with the present state of the revenue. The hon. member for Greenock asserted that the Post-office was unpopular: he would ask the hon. Member how he made out his case. Nothing was said in the country of the unpopularity of the Post-office. During the present Session there had been very few attacks made on it, and what there were had proceeded wholly from the hon. member for Greenock. There had been, he believed, two petitions from Cheltenham, in which the hon. member for Greenock had taken great interest; but it so happened, that they were laughed to scorn, and turned out of the House. What could make the hon. Gentleman so anxious for the appointment of this Commission he could not conceive, unless, as he bore the name of him who was at the head of the old Commission, he wished himself to be put at the head of the new one. The hon. Gentleman took such a continued interest in the question, that he might be considered a sort of standing Commissioner in his own person. Could the hon. Gentleman seriously wish to renew the old Commission which had sat for eleven years, and cost the country 90,000*l.*, and merely to carry out proposed petty investigations, there having been as yet no great principle of improvement laid down? Allusion had been made to the opening of parcels by the Post-office. The fact was, that parcels were never opened except on positive information that letters were in those parcels. If the Post-office was to be allowed to protect itself, it was necessary for it to have this power. But it was said, the principle of competition ought to be acted on, and that the public ought to be allowed to avail itself of that conveyance which was cheapest. This, however, brought them back to the question of revenue, which was one the hon. Gentleman must settle with the Chancellor of the Exchequer and the House. The hon. Gentleman had also availed himself of the aristocratic ground of objection; he had asserted, that the Two-penny Post was principally collected from the poor; but could it be said, that the inhabitants of Hammersmith were poorer than those of Grosvenor-place? It was proposed by the hon. Gentleman to extend the distance, at present confined to a circuit of twelve miles round London, to every capital town. The effect of such a change as this would be a material increase of the postage in country towns. The charge for delivering letters in them was at present only 1*d.* Then the hon. Gentleman complained of the difficulty of making complaints to a Duke; but if there was ground of complaint, why could it not be as easily stated to a Duke as to a Board? The fact was, that the hon. Gentleman had not been sparing of his complaints: he had railed against the late noble Postmaster-general almost the whole of the time the noble Duke was in office. The hon. Gentleman had complained that some returns moved for had not been produced; but it was difficult to comply fully with the wishes of the hon. Gentleman in this respect, he having moved for a return of all the letters "gone and missing." Certainly a preference had been given to Government-built packets, rather than to having them built by contracts; and it was difficult, perhaps, to say which was most advantageous; but it would not be considered that the country had not derived very great benefit from the principle which had been acted on, when it was considered, that the Government, by the employ of steam-boats, might be said to have brought them to their present state of perfection. With respect to the letter-carriers, who had been described as walking paupers collecting pennies, he begged to inform the House, that these individuals were allowed to receive the pennies for working the extra hour, in order that it might act as a greater inducement to them to call at houses for letters, than they would have if they received a fixed sum. It was an accommodation to the public for these persons to be allowed to receive letters after the offices were closed; and making their remuneration dependent on the number of letters they obtained was a security against the public convenience being neglected. The hon. Member who last addressed the House had alluded to a weekly deficiency amounting to 517*l.*; but there was an error in this statement, the calculations being made without reference to the incompleteness of the return. Reverting to the proposal to establish a Board, he must say, that he preferred individual to divided responsibility. But the hon. member for Greenock inquired why not apply the principle of individual responsibility in other cases: for instance, why not, in place of the Treasury and other Boards, make the Chancellor of the Exchequer responsible? He (Mr. Smith) might not object to this, if the Chancellor of the Exchequer could get through the mass of business that would devolve on him under such an arrangement. But there was this difference: the Treasury Board, besides being a Board of Control, was a Board of Appeal; and this power of appeal was principally available when property was concerned. As a challenge had been given to point out the improvements which had taken place in the Post-office Department, and the advantages possessed by individual control over that vested in a Board, he would point out the consolidation which had taken place between the English, Irish, and Scotch Post-offices, and the beneficial results which had ensued. The advantages derived from this measure could not be denied; and he would not hesitate to call upon the Irish representatives then in the House to bear testimony to their extent. The proposed arrangement with regard to newspapers was another measure of improvement, which, when carried into effect, would be found greatly beneficial. He would not enter into further details; but he would assert, that there was nothing proposed to be effected by the commission moved for by the hon. member for Greenock, which the House itself was not competent to effect. Already some progress had been made in improving this department, and still more important measures were in contemplation, some of which had been suggested by the Commissioners of Revenue Inquiry. Amongst these was one of particular importance, namely, the free transmission of newspapers to foreign parts, and the receipt at home of foreign newspapers free of duty. Improvements in the Two-penny-post transmission were also in contemplation. In addition to these alterations, perquisites would be abolished. Ireland, he believed, would be included in the arrangements. The attendance of the noble Duke who had been at the head of the Post-office department had been observed upon; but he (Mr. Smith) challenged proof of any other person who had filled the office having been more attentive to its duties. He would put it to the House, whether the hon. member for Greenock had made out a case which called upon them to engage the country in so tedious and expensive an inquiry as his proposition involved. What, he would take leave to ask, would be the effect of this tiresome and expensive inquiry? Why, its only effect would be, to impede and oppose the improvements which he had shown were already in progress. The calling of officers to give evidence would not only prevent the development of the proposed improvements, but also delay the daily business of the departments in which they were engaged. With respect to the papers of which the hon. Member had spoken, they could not, by any possibility, have been given, because the Commission had been put an end to by a Treasury minute before those papers were made out. The reason of this, perhaps, was, that commissions at the period alluded to did not work with the same quickness, nor were they so efficient as those of later appointment. A better plan than the Commission now sought for would be to propose a committee on the Postage Acts. It had been contended, that the proposition for reciprocal freedom of foreign and English newspapers had originated with France. Surely this was a paltry object of contention; but if it were to be considered a matter of importance, he was prepared to show, that it originated with the Duke of Richmond, or at least that it was he who brought the plan into execution. They were now about to enter into such reciprocity with France, and it was to be hoped that two great countries, separated only by a narrow channel, and which had hitherto been looked upon as natural enemies, would henceforward have no rivalry injurious to either, but rather enter into an emulation beneficial to both, tending to develope their resources, and enable them freely, and with equal advantage, to interchange the surplus productions of their labour. Nor was it only with France that interchange was to take place. It should also extend to our colonial territories, for it would be hard to grant to France that which we denied to our own colonies. The duties would be taken off from all newspapers passing to or from the colonies and the mother-country. The advantages arising from this arrangement would be of great benefit to the former, as, instead of their own narrow journals, whose matter was in a great degree restricted to local scandal, they would have the advantage of more enlarged and able prints. He hoped the House would agree with him in the view he had taken, and negative the hon. Member's Motion. He would move that they should go into a Committee on the Postage Acts; but he found, that such an Amendment was contrary to the orders of the House.

Mr. *Hume* supported the Motion, and was of opinion that a Commission of Inquiry would be of great service. In the days in which the former Commission was granted, it certainly was difficult enough to procure inquiry, and yet, notwithstanding the difficulty and the delay with which in those days such inquiries were burthened, the Committee then appointed produced evidence enough to show, that the department which they were appointed to investigate was in a most miserable condition. Were the few improvements which had been so ostentatiously pointed out sufficient to satisfy the House? The hon. Gentleman had sneered at Commissions. Was not this rather odd in a Member of a Government which abounded in Commissions? If the Ministry would grant a Committee in the next Session on this question, he would advise his hon. friend who had brought forward the Motion not to press it; but otherwise he would advise him to proceed with it. Much stress had been laid on the reciprocal exchange of newspapers, and it was argued as a great boon; but looking at it as pound, shilling, and pence matter, it was not of such very great importance. Still he would not deny the very considerable advantages which, in another point of view, were likely to accrue from it; and he must admit, that it was a measure calculated to put an end to the hostile feelings which had so frequently existed between this country and France. But he would show, from the hand-writing of the noble Duke to whom this measure had been attributed, that he himself did not set a higher value on it as regarded revenue than 3,500*l.*, and that so far from viewing it as an object of public advantage, he considered it as of little import. Here the hon. Member read a letter signed, "Richmond," written to the Chancellor of the Exchequer, and dated July 16, 1833, stating that the free transmission of English newspapers, and the circulation here of foreign ones, formed the only emoluments of the officers of the Foreign Post-office. It stated the amount to be about 3,500*l.*, and added that if those emoluments were done away, and the salaries charged upon the revenue, it would be merely to accommodate a few foreigners here, and some English abroad, with articles of luxury. Surely, continued the hon. Member, after expressing such opinions as these no credit on this head could be claimed for a nobleman who only acquiesced in a measure when he could no longer resist it. These boasted improvements were put forward to blind the House to the real state of the question—that they might ask, "Will you meddle with such a system so complete, or in such a state of being completed?" There was not, he contended, in Europe, a system so defective as ours. Our system was confused through excess of legislation. There were no less than 107 Acts of Parliament applying to the subject: and if they intended to effect any good purpose, and do away with the confusion which at present existed, they should consolidate the laws upon this subject. The whole question might be comprised within the single and simple point,—was the present Post-office system calculated to work the greatest good at the smallest expense? No one could say, that it was; the present system was conducted at a loss of 70,000*l.* a-year to the country. Another point he would state was—and he would put it interrogatively—did the Post-office afford the greatest facilities of communication? Was the system of transmission of letters and papers the safest, the most expeditious, and the best? He would say, no; and the country would respond to him. It was a grievous delusion to fancy, that because a particular and isolated portion of the system could be defended, the whole of the Post-office arrangements were, therefore, unassailable. It was like the ostrich, that while it thrust its head into a hole in the sands, foolishly fancied its body was secure. So, because a particular department of the Post-office was not obnoxious to attack, the entire system was on that account to be held exempt from reprehension. No doubt, well-meaning individuals maintained that, forsooth, because the Mail did not leave London on Sunday, no irregularities were committed. But those "good easy men" must have thought that all the Mails in the country ceased travelling on Sunday. The people of Barnet, however, might receive and send off their letters on Sunday, a privilege the people of London could not enjoy. Was that right? The people of London surely were entitled to the same privileges as the people of Barnet, or of any other place. The inequalities between the condition of the people of London and those of almost any other place, would alone deserve the serious interposition of Parliament. Why should not the people of London be allowed to send out and receive their letters two or three times on a Sunday. In the present advanced state of society there should be no difference between the rate of postage here, and on the continent; or here between one place and another. He (Mr. Hume) would advance another suggestion, that the 2,000,000*l.* now received by the Post-office should be paid into the Exchequer, for in that case the people would have a more direct control over the fund, and that the payments necessary to be made should come from that quarter. It would be much better that there should be appointed officers by the Treasury to make payments to the Post-office functionaries, than that the present plan should be continued. It was maintained, in opposition to the proposition of those who would remove the existing abuses of the Post-office, that the propounded system of amelioration would be attended with 200,000*l.* additional expense; but when the great facilities of conveyance and the improved state of the roads were taken into account, that objection would vanish. The fact was, they should take the whole charge of the roads of the country, and introduce a scale of payment on the roads. There should be three posts leaving London on every day, and, at twelve o'clock on Sunday, there should be a post leaving town, as there was every other day. The foreign conveyance to America and the Indies was left perfectly free on Sunday as on every other day. Why, then, should the transmission of letters from London to various parts of England be suspended on that day? The Clyde steam-boats offered to carry letters whenever they sailed, and they were not allowed by the Post-office; that was a gross and wanton act of infringement on the public interest. He would contrast the conduct of the French and the English Government, and by the contrast show how illiberal and unwise was the British Government. In France, they paid according to the distance; not so here. In France, one should not pay the postage of seventy miles, though the letter travelled only forty-seven miles. What he mainly contended for was, that there should be allowed a free transmission of letters and papers on both sides.

Lord *Althorp* said, if a choice were to be made, he would prefer the appointment of a Commission to a Committee, because he thought it would be more likely to succeed; but the question was whether, under existing circumstances, it would be desirous to address his Majesty to appoint such a Commission? Before, however, he addressed the House on that point, he would advert to some of the observations of the hon. Member who had brought forward the Motion, and also those of the hon. member for Middlesex; and he must say, either that he had misunderstood them, or they had not a clear and distinct view of the regulations under which the Post-office ought to be placed. At one time they considered it simply as a source of revenue, and complained that the revenue had not increased. At another, they regarded the revenue as a matter of trifling consideration, and thought that should be disregarded when it in any way interfered with the convenience of the public. Now, he had no hesitation in saying that the public convenience ought to be considered, and that, at the same time, the revenue ought not to be thrown overboard. On this mixed principle, it was that the department was wont to proceed, so that when a public application was made for a new line of conveyance for the Mail and so forth, the Post-office considered not alone what would be the degree of convenience to the public, or how the revenue would be effected, but it regarded both conjointly. With respect to the transmission of newspapers, it was the intention of the law, that the stamp should be used only once, and therefore his noble friend objected to the indiscriminate transmission of newspapers after date. The hon. member for Greenock complained of the number of Acts of Parliament relating to the Post-office, and wanted a bill of consolidation. Such a Bill was prepared, as well as one for consolidating the law relating to stamps; and nothing but the want of time for passing them through Parliament, prevented him from bringing them forward. With respect to the delivery of letters in the metropolis on Sunday, he had no great objection to it; but considering the feeling which prevailed generally in the country, he did not think that it would be prudent to make the alteration. It was true, that letters were delivered on Sundays in all other parts of the empire except London; and that the extension of the practice to London would put into employment only some additional letter-sorters and deliverers; but still for the reason he had mentioned, he was not disposed to try the experiment at present. The hon. member for Middlesex had suggested, that all the revenue of the Post-office should be paid into the Treasury, and all the disbursements for the office paid out of the same department. That might be a good plan but it was followed neither in the Customs, nor in the Excise, and the hon. Member should extend his principle to them as well as to the Post-office. He, however, had not yet heard any person propose that. The hon. member for Middlesex said, that the revenue of the Post-office had not increased, although internal communication was much more extensive than formerly. That was partly owing, no doubt, to the Post-office having given the public much increased accommodation. It was also owing in part to letters being transmitted through private hands, and he believed that this breach of the law was carried to a great extent. The hon. Member said, that all persons should be allowed to send their letters in the way they liked best. That sounded very well as an abstract proposition; but if the country kept up an expensive establishment for the transmission of letters, it was necessary that it should possess the monopoly of transmission. He considered the Post-office as a revenue department; but he thought that, keeping that circumstance in view, every thing possible should be done for the convenience of the public. It was said, that Mail-coaches were less convenient for travellers than other coaches; but he doubted the statement, because it was the interest of the contractors to obtain as many passengers as possible. As to the Motion before the House, he thought that unless a case of necessity were established, it would be unwise to appoint a Commission. The House ought not to agree to the Motion unless they were of opinion, that the Government was using no endeavours to introduce improvements into the department of the Post-office. Commissions ought not to be issued except in cases in which the Government had not the powers of prosecuting inquiries. This was the case with respect to the Excise department, and there a Commission issued. There was no circumstance connected with the Post-office into which the Government was not as competent to inquire as a Commission would be. If, however, it should appear that Government could not prosecute the inquiry efficiently, he hoped that he should not be accused of inconsistency should he hereafter call upon the House to sanction the appointment of a Commission.

Mr. *Buckingham* complained, that the old Post-office packets had been superseded by gun-brigs. The former were excellent vessels, whilst the latter were insecure and unfit for the service. A person resident at Falmouth had informed him, that from 1793 there was not a single instance of a Post-office packet having been lost, whilst in six years no fewer than seven gun-brigs had foundered at sea. From their construction the latter vessels were very liable to be taken a-back. He would undertake to prove, that there was specie enough lost in one of the gun-brigs to defray the expense of a new set of packets. The hon. Member also complained that newspapers published in our own colonies were subject to a duty on being brought into England. When he was sent from India, he brought some newspapers with him, for which he was compelled to pay 30*l*. He memorialized the Treasury on the subject, and stated that he wanted the papers principally as evidence in his own cause, but he received for answer that on that account he should be the less reluctant to pay for them.

Mr. *Labouchere* said, that it was the intention of the Government to employ as packets vessels built upon a new principle.

Major *Beauclerk* suggested, that after the explanation which had been given on the part of Government the Motion should be withdrawn.

Mr. *Robert Wallace* said, that every argument he had heard against his Motion tended only to strengthen his conviction of its propriety. He was certainly not willing to press the question to a division, but he saw not the slightest reason to regret having brought it forward, for he had no doubt that the discussion which had that evening taken place would lead to beneficial results, and eventually to the correction of those faults in the establishment of the Post-office which had been made the subject of complaint.

Question negatived.

Assessed Taxes.] Mr. *Thicknesse* rose, pursuant to notice, to move "That, after the end of the present financial half-year, the duty on each window above the number of thirty-nine, in any dwelling-house in Great-Britain, shall be the same as is now chargeable on each window, above the number of eleven and below the number of forty." After complaining of the unequal operation of the Window-tax, of its undue pressure on the middle classes, and the high degree in which it was favourable to the Aristocracy, he proceeded to say, that up to thirty-nine windows inclusive, there was an additional duty of 8s. 6d., or in some instances, for which there appeared to be no reason, of 8s. 3d. per window. From thirty-nine windows upwards, the rate of additional duty decreased, and was not imposed, as in the lower numbers, on each window, but on every four windows up to 100, and on every ten windows, from 100 to 180, an alteration in the scale made perhaps to render less manifest the unfairness and partiality with which the tax was imposed. The average additional duty on windows, from thirty-nine to forty-four, instead of 8s. 6d. or 8s. 3d., as for the lower number, was only 4s. 2d.; from forty-five to fifty-nine, about 7s. per window; from sixty to sixty-four, about 6s. 2d. per window; sixty-five to sixty-nine, about 5s. 7d. per window; from seventy to seventy-four, 5s. 6d. per window; from which number to 100 the average additional duty continued at about the same rate. From 100 to 109, the average additional duty was only 3s. 4d. per window; from 110 to 180, it was somewhat under 4s. 6d. per window; and for all windows above 180, the additional duty was only 1s. 6d. per window; this scale, however, was affected in a trifling degree by the low duty on the first ten windows; which made the additional rate a little less per window on the whole number, when the total number was small than when it was greater; but, nevertheless, according to the whole duty chargeable, the tax per window lessened as the number of windows increased above thirty-nine. The whole duty on thirty-nine windows was 13l. 12s., which was equal to 6s. 11d. per window; from forty to forty-four windows, 14l. 8s. 9d., that was 6s. 6d. per window; from forty-five to forty-nine windows, 15l. 6s. 9d., or 6s. 5d. per window. The whole duty on fifty-nine windows, was 18l. 13s., or 6s. 3d. per window; on sixty-nine, 21l. 0s. 3d., or 6s. 1d.; on seventy-nine, 23l. 5s., or 5s. 10d.; on eighty-nine, 25l. 10s., or 5s. 7d.; on ninety-nine, 27l. 14s. 9d., or 5s. 7d. From 100 to 180, the duty decreased to 5s. 2d. per window, and the duty from 180 upwards being only 1s. 6d. per window, as before stated, there was a still more rapid decrease of tax; so that for 300 windows, the whole duty was 55l. 11s. 3d., or 3s. 8d. per window; for 350, the whole duty was only 59l. 6s. 3d., or 3s. 4d. per window, not half the rate of duty imposed, when the number of windows was thirty-nine. He concluded by making his Motion.

The *Speaker* suggested, that a Motion such as the hon. Member had made, ought to be submitted to a Committee of the whole House.

Mr. *Thicknesse* would therefore move "that the House do then resolve itself into a Committee, to consider the Window-Tax."

Lord *Althorp* contended, that the pressure of those taxes had been much exaggerated, and it was scarcely worth while at that period of the Session, to disturb the financial arrangements of the year for so small an object. He further thought, that in any arrangement which might be made, it would be desirable to operate upon both ends of the scale—to diminish the lower, as well as to increase the higher rates of payment. He did not think, however, that it would be expedient for the House to entertain the question at that period of the Session, although it was one which before the ensuing meeting of Parliament, might well become a matter of consideration with his Majesty's Government.

Motion withdrawn.

BRITISH CONSULS IN FOREIGN STATES.] Mr. *Hesketh Fleetwood* rose to submit to the House a Motion, of which he had a considerable time ago given notice, the object of which was, the appointment of a Select Committee to inquire into the duties, modes of appointment, amount of remuneration, and all other matters relating to British consuls resident in foreign states, with a view to rendering their services more conducive to the interests of commerce. He had reason to believe that the appointment of the Committee for which he intended to move, would not be opposed by the noble Lord opposite (the Secretary for Foreign Affairs) except with reference to time, and on that point he imagined there would be between them but little difference of opinion, for he should not stickle for a few months more or less. If he should succeed in inducing his Majesty's Government really and sincerely to take the matter up, the object he had in view would be to a great extent accomplished; it was material, however, that hon. Members should, in the meanwhile, turn their attention to the subject, for it was one of great commercial importance. He had at the present moment in his possession, various letters and communications from commercial men, complaining of the inefficiency of our consular system, and in his opinion that inefficiency was so clearly made out, that it would be wasting the time of the House were he to urge it upon the attention of hon. Members by means of any observations of his own—his wish would rather be, to refer them to the documents then in his hand, to some of which he should call their attention before he sat down. The inefficiency, or at least a persuasion of the inefficiency of our consular system, prevailed almost universally, and whether that opinion was well or ill founded, it became the duty of Parliament to institute on the subject a searching and impartial inquiry. Before he proceeded further, he could not help calling the attention of the House to a few facts which came within his own observation during a recent tour on the continent—facts which demonstrated the inefficiency of those officers even when placed the nearest to our own shores; the inference from which was obvious, that at a greater distance they must be still less serviceable. He held it to be indisputable, that if there was one duty more than another, which consuls were called upon to discharge, it was that of watching the commercial treaties of all countries, and making their provisions and operations known to their own Government. The few notes which he made illustrative of that part of the subject, he should read to the House, and ask hon. Members what they thought of a department which permitted matters of so much importance to be thus neglected:—"The duty on English iron has been doubled about 1827 in the French ports. It was sixteen francs on the 224lb. English, it is now 32 francs; and the ten per cent duty or duties make 38½. Swedish iron is admitted into France upon much more advantageous terms. Let it be observed that, in all commercial intercourse with France, every duty has ten per cent added. During the Polignac administration goods from British India were prohibited in Calais, and, I understand, in every French port; certainly so, if they came in British vessels. At present they are, I am informed, to a great extent smuggled through Ostend, particularly tea. It is a well known fact that tea and India handkerchiefs are both to be had good at Dover. I believe the fact to be, that much tea is landed at Calais for the express purpose of being smuggled into England. Nothing can be more evident than that an improved system as to consular management would put these matters upon a better footing. In the article of coal, the duty is sixteen sous per 100 kilogrammes, or 224 lbs. English, more than is paid by the Belgians, and slate is in a similar situation. The duty on English slate is treble that on Belgian." He regretted to state, that the truly and strictly commercial character of a consul was wholly left out of view; it seemed to be regarded altogether as an office for which any person was competent—no matter what might be his education, no matter what his previous pursuits. Were it not invidious, he might mention the names of several individuals, especially in remote stations, who were any thing but qualified for the situations to which they had been appointed—he would not say by the present Government, for he brought no charge against the noble Lord—his objection was to the system—a system which he desired to see undergo many improvements, and, amongst the rest, a transfer of the appointment and superintendence of consuls from the Foreign-office to the Board of Trade. He need scarcely suggest to the House, that the last-mentioned office was filled, or ought to be filled, by a Minister specially chosen for his acquaintance with those matters to which the attention of consuls should be more particularly directed, therefore it was to him they should look up as their head. The hon. Member then proceeded to show from Mr. Chitty's work on commercial law that the duties of consuls were strictly commercial. He also referred to the report made in March, 1833, by Mr. Livingston, the Secretary for Foreign Affairs, we believe in the United States. He was of opinion that consuls should be remunerated by adequate salaries; that they should be prevented from engaging in trade; that the possible advantages which their official situation gave them as merchants caused them to be suspected as public functionaries; and that, on the whole, nothing could be worse than the system of the United States, which was very little different from that of England. There was not a country in Europe, he believed, that did not use their consuls abroad as agents for supplying statistical information. A statistical inquiry, he entertained no doubt would soon be established in this country; indeed, a commencement had already been made by the right hon. Gentleman the President of the Board of Trade, and one of the purposes for which he particularly desired a Committee was, to inquire and report how far our consuls could be made available for such a purpose, as well as for the other objects to which his Motion referred connected with early commercial information. As a curious illustration of the ignorance in which consuls permitted official persons in this country to remain, he would instance the fact that, of the censuses made in the various countries of Europe, not one was to be found in England. The only foreign census that he knew of was that of the United Sates, which was in the library of that House. A recent writer, of some celebrity, had placed that part of the subject in a very striking point of view in the following passage:—"Consuls resident in foreign countries might and ought to be made instrumental in the collection of statistical and other information with respect to them. But this very important branch of the peculiar duty of a consul has been most strangely neglected by the Government of England. The returns of the prices of foreign corn, and the different duties and regulations affecting it, made within the last half-dozen years, comprise almost all the information of a generally useful kind that has ever been obtained by the British consuls, at least it is about all that has been made public. We do hope that effectual measures will be taken for remedying this defect, and that it will be made imperative upon our consuls regularly to send home detailed accounts, embodying all the authentic information attainable with respect to commercial affairs, such as the quantities and prices of the goods imported into, and exported from, the places where they reside, the qualities which principally recommend them, the duties and regulations by which they are affected, the improvements that take place in the arts, the changes in the laws as to trade, and whatever, in short, may tend to enlighten the public as to the conditions of such places. The preparation of these reports for publication, and of queries for transmission to the consuls ought to be one of the most important duties of the Board of Trade." In every possible view which he could take of the question, he found it impossible to avoid saying, that the consular department ought to be placed upon a new footing, and most especially ought to be taken out of the hands of the Foreign Secretary, who was frequently leader in the House as in the cases of Mr. Fox, Lord Castlereagh, and Mr. Canning, and who were however in a great degree disabled from adequately performing any other duties. There was no one—and this he said without any particular disparagement of the noble Lord opposite—who paid the strictest attention to our foreign concerns, who would not readily admit it to be that branch of the public service of which we had the least reason to be proud, for it had grown into a proverb, that British diplomacy lost every thing which British valour won. Must they not, therefore, desire rather to diminish than to increase the duties and responsibilities of that department, which, before it could become the fit conductor of consular matters, must be made much more of a trading concern than at present? After giving full credit to the noble Lord opposite for the reductions effected by him, and the spirit of economy under which he acted, the hon. Member proceeded to observe, that some objection might possibly be taken to what he proposed, on the ground that foreign states would consider what he proposed as little less than a system of espionnage, for a similar attempt on the part of the French had been so treated in this country in the year 1803; but he could assure the House, from his own observation, that no such prejudices now prevailed on the Continent. Some very remarkable instances to the contrary within his knowledge existed both in Prussia and France, on matters much more jealously guarded than commercial concerns—namely, military fortifications. With these brief observations he should leave the Motion to be dealt with as the House thought fit, or rather as the noble Lord might think fit to meet it, just suggesting for a moment the leading topics to which the attention of a Committee, if appointed, would of necessity be directed. They would classify the ports to which consuls of different descriptions might be sent; they would consider the expediency of limiting the appointments to British subjects, of prohibiting their trading whilst consuls, of transferring the appointment to the Board of Trade of the salaries, fees, and retiring allowances of consuls, the supply of statistical information, the suitable education of future consuls, and the various other matters connected with that branch of the public service to which a Committee when once appointed, might see it fitting to direct their inquiries. Whatever mode of remunerating consuls it might be deemed advisable to adopt, whether it should be considered right to permit or prohibit consuls from engaging in commerce, he thought that individuals possessing practical knowledge ought to be attached to the consulate establishments, in the character of secretaries; and from this class, in his opinion should the future consuls be selected. He had received several communications on the subject of the Motion which he intended to make; but as he was unwilling to weary the House by reading them, he should content himself with quoting a short passage from a letter which had been sent him from Liverpool. The hon. Member here read the following extract:—"In compliance with your request, we have submitted this document to several mercantile gentlemen with whom we are acquainted, who all highly approve of the proposed Motion, and consider that a Parliamentary inquiry would be very desirable as also the establishment of the different points suggested by you." The hon. Member after stating that he should be satisfied to leave the subject in the hands of the Government, provided an assurance was given that it would be inquired into, concluded by moving, that a Select Committee be appointed "to inquire into the duties, qualifications, modes of appointment, expenses, responsibilities, and all matters relating to the character and condition of his Majesty's consuls resident in foreign States, with a view to rendering those functionaries more efficient in advancing the strictly commercial interests of British subjects, in securing the due protection of their persons and property abroad, in collecting and furnishing information connected with trade and otherwise, in preserving old and opening new channels of commercial intercourse."

Viscount *Palmerston* said, that he certainly must admit, that the subject to which the attention of the House had been directed by the hon. Gentleman was one of vast importance and of universal interest; because unquestionably the inquiry into the details of that establishment, which was instituted to protect and direct our commerce in foreign countries, was a matter of serious consideration for this commercial country. He felt bound to do justice to the candid and straightforward manner in which the hon. Gentleman had brought forward his Motion. He had done this in a way which did great credit to his industry and fairness. Nevertheless, he must object to the proposition for the appointment of a Select Committee to inquire into this question at the present period of the Session, looking to the fact, that the number of Committees already sitting was so great, that, when fresh Committees were appointed on the Motion of hon. Members, the hon. Members proposed, in many cases, declared they could not attend them. The period of the Session also was such, that the hon. Gentleman might not be able to pursue his inquiry to such a result as might be satisfactory to the House or to the country. Another reason, too, which he must urge against the Motion proposed was, that he thought those who held, that the Consular Establishment should be submitted to the consideration of a Select Committee, would see, that the person at the head of the department, from whence these appointments emanated, should be enabled to give every attention to the subject. On some points, however, he was not prepared to submit the information he possessed and his opinions upon it to the Committee. For example, in respect to the Consuls in parts of the Levant, he had not yet been able to settle what should be the extent of our establishment there. Next Session of Parliament he should not oppose a Motion having for its object to refer the estimates for the Consuls, and the whole Consular Establishment to a Select Committee. All our other great establishments were subjected to the ordeal of a Committee, and he saw no reason why this should not be so too. He thought, indeed, that great mistakes and misunderstandings existed, on the part of the public, in regard to this establishment, and he should be glad to state the reasons which made it impossible to lay down any distinct line or scale as to the remuneration of parties according to the extent of labour required. The hon. Member who had brought forward this Motion seemed to think, (and, indeed, he assumed it as a matter of notoriety) that this establishment was inefficient; but, against such a proposition he (Lord Palmerston) must protest. So far from this being the case, he was perfectly convinced, that, upon inquiry, it would be found to be efficient, calculated to secure those objects for which it was constituted, and that the individuals comprising the establishment were able and diligent public servants. The hon. Member had, he believed, adverted to the amount of duty levied on iron in France; and he appeared astonished that, on the restoration of peace with that power, those duties had not been remodelled. Now, it had been thought better, on the restoration of peace, not to make a commercial treaty; and the fault (if any) did not rest with the Consuls—nor with our diplomatists or treaties—but from the circumstance that it was thought better at the time, that each country should regulate its own tariff. Again, though it might appear to be the intention, in some cases, to confer benefits by treaties of commerce, yet, if one nation should seem to have gained advantages by such treaties over another nation, he was sure that, in the long run, the injury done to the prosperity of that other nation would recoil upon the nation having the advantage in the first instance. No one country could continue to enjoy benefits to the injury of another with which it had commercial relations. To prevent, by such means, other nations from getting rich, was merely preventing them from having some superfluities to exchange with us. It was impoverishing our own customer and our own employer. The hon. Member seemed to think, that the Consuls should be placed under the Board of Trade, rather than under the Secretary of State for Foreign Affairs; but he (Lord Palmerston) thought he could convince the hon. Gentleman that such an arrangement would not be advantageous to the country. Consuls were not to be regarded as simply commercial agents, because their office frequently partook of a diplomatic character. They must, of necessity, be placed under the control or direction of the Minister or Ambassador to the country to which they might be sent. It was acknowledged, that no man could serve two masters; and it was, therefore, impossible, that a Consul should be under the divided control of the Ambassador and the Board of Trade, without causing a jarring, or division of responsibility. Nothing was better in the public business than unity of service and of responsibility. However, although the Consul was not under the Board of Trade, he could assure the hon. Gentleman, that any statistical or commercial information which the Board of Trade might desire, was obtained as directly and as effectively by the intervention of the Foreign-office, as it would be by direct commands from that Board. When they entered into the inquiry, the hon. Gentlemen would be surprised at the extent of statistical information which was obtained from our Consuls, who were obliged to make periodical Returns, besides furnishing every information which the Secretary of State might require. On many occasions, he had obtained information from them, at the request of Members of that House, for the furtherance of inquiries before Committees; and he obtained important and extensive information from them. As to the description of persons who were best fitted for the appointment of Consuls, much difference of opinion existed upon the question as to whether they should or should not be purely commercial men; but he thought it necessary, that the person at the head of the foreign affairs should select persons according to the nature of the place to which a Consul might be required. In some places a Consul was regarded more as a political character; whilst, in others, the office was one of a commercial nature. In some instances it was necessary to allow the Consul to trade on his own account; whilst, in other places, it would be inconsistent to do so. In the one case it might be right, that the Consul should have an interest in trading; whilst, in the other, it would not, and, therefore, it would be better to give a party, in such instance, a higher salary. There were other considerations which determined the salaries; such, for example, as the expense of living at different places. The hon. Gentleman held, that we lost, by all our treaties, more than we gained by war; but he must deny that assertion; and he would only repeat, that it was a mistaken policy to attempt to over-reach our neighbours by commercial bargains, and that the better plan was to trade with other nations on fair terms. He trusted, that the hon. Gentleman would be satisfied with the assurance, that if, in the ensuing Session, the hon. Gentleman would move for the appointment of a Committee, he would willingly support such a Motion, or he would himself bring the question forward.

Motion withdrawn.

CENTRAL CRIMINAL COURTS—COMPENSATION.] The Solicitor General moved, "That the House do resolve itself into a Committee of the whole House, to consider of providing compensation out of the County-rates to officers who may be deprived of the emoluments of their offices by the Central Criminal Courts' Bill."

Mr. *Hume* begged to ask the hon. and learned Gentleman, first, what he assumed the expense of the establishment at present to be? secondly, what the prospective expense would be? and, thirdly, at what period the salaries should be taken as a criterion for the compensation to be given to the officers who should be discharged in consequence of the Bill? He doubted the policy of allowing the Lords of the Treasury to interfere with the County-rates, which were properly placed solely under the control of the Magistrates.

Mr. *Hughes Hughes* said, it was quite necessary to allow these officers compensation.

Mr. *Warburton* said, that the question was, what the income of those gentlemen was at the period of accepting their present offices, and if their income would be less after the passing of this Bill than it then was?

Mr. *Aglionby* hoped, that the House would consider well before they adopted the principle of compensation in this case. In his opinion, they were not entitled to compensation, for they accepted of the offices for better for worse, and were, therefore, bound to abide by them, whether they rose or fell.

The House divided: Ayes 14; Noes 27—Majority 13.

List of the AYES.

Baring, F.
Campbell, Sir J.
Denison, W. J.
Elliot, Hon. G.
Howick, Lord
Littleton, J. E.
Lock, J.
Marten, J.
Peter, W.
Pryme, G.
Rotch, B.
Shaw, F.
Thompson, P. B.
Williamson, Sir H.

TELLERS.

Hughes, Hughes
Pepys, Sir C. C.

List of the No.

Aglionby, H. A.
Beauclerk, Major
Blake, M.
Briscoe, J.
Brotherton, J.
Curteis, H. B.
Curteis, E. B.
Dillwyn, L. W.
Forster, C.
Martin, J.
O'Brien, C.
O'Reilly, W.
Pease, J.
Philips, M.
Potter, R.
Ruthven, E. S.
Ruthven, E. J.
Scholefield, J.
Scrope, G. P.
Shaw, R. N.
Stanley, Hon. H. I.
Talbot, C. R. M.
Thicknesse, R.
Trelawney, Sir W. L.
Verney, Sir H.
Wallace, R.
Warburton, H.

TELLERS.

Hawes, B.
Hume, Joseph

HOUSE OF LORDS,

Friday, June 27, 1834.

MINUTES.] Bills. The Royal Assent was given by Commission to Escheats, and twenty-seven private Bills.—Read a second time:—Administration of Justice in Boroughs.

Petitions presented. By the Bishops of CARLISLE and LONDON, from several Places,—against the Claims of the Dissenters.—By Lord KINNAIRD, from Glasgow, for altering the present System of Church Patronage; from a District of Perthshire, for a Separation of Church and State; and from two Places, for Protection to the Established Church of Scotland.—By the Dukes of RICHMOND and WELLINGTON, Earl DELAWARR, Lords KENYON and ROLLE, Archbishop of CASHEL, and the Bishops of LINCOLN, LONDON, CARLISLE, and GLOUCESTER, from a Number of Places,—for Protection to the Established Church.

BREACH OF PRIVILEGE—THE MORNING POST.] The *Lord Chancellor* said, that he was about to take a step which, after being more than twenty-four years a Member of either House of Parliament, he had forborne to take, though God knew not from any want of occasion being afforded, but from that habitual forbearance which he had always exercised on this point. He was about to bring before their Lordships a breach of the privileges of that House, which, had it been committed against any other Member than himself, he should have felt only the reluctance he had ever entertained at the principle of this kind of interference, but which, being against himself, he assured their Lordships that nothing but an absolute overruling necessity could have induced him to notice it; for, where the grossest falsehoods—the most palpable, apparent, and audacious falsehoods—concurred with the most despicable ignorance and malice, he thought he might venture to say, that it would have been perfectly safe for him to have done as he had heretofore done, and had never repented doing, viz., to have let the at-attack upon him pass unheeded, to have treated it with the contempt it deserved and he really felt, and to have contented himself calmly and quietly, as he had done before, with living over the calumny. Such might have been his course, such was the course he would have preferred; but he should not have read to the end of what he was about to lay before their Lordships before they would perceive, that he was left no choice upon the present occasion, and that those noble Lords who were kind enough to call his attention to the article in question, and which but for their kindness, he should never have seen, were right in holding that his taking notice of it was no matter of choice. He understood that in the same quarter there had been going on for the last six or eight months a series of systematic attacks against him, of a like nature to the present, directed to one object, viz., to misrepresent in the foulest manner (of which the present was a specimen), and to those acquainted with the facts sometimes in the most ridiculous manner, the whole of his judicial conduct both in the Court of Chancery and in that House. When the authors of these attacks—for he did not blame the miserable tools whom they had obtained to do their work—found that it was not true as they asserted, that it was false that the business of the Court of Chancery was in arrear, that, on the contrary, it was reduced to so low an ebb that he should be obliged to close the Court until November, excepting for two causes, in which the parties were not quite ready, and pass by the regular Seal days, an event which had never before occurred—when they found, that all the charges they brought about the backward state of the business in that House were equally false, for that the business there also had been reduced so low that inevitably no one cause of any sort or kind would be in arrear for weeks before the end of the Session—when they found all these falsehoods cut away, and that they had no longer any ground of plausibility even upon which to found an attack, they invented one, of a most calumnious nature, severely bearing upon his character as a Judge, and as a Member of their Lordships' House, but one which he would not further describe, as they were about to judge of it for themselves. A cause, as their Lordships knew, had lately been tried in that House, in which, after hearing the opinion of the learned Judges, a unanimous opinion was come to. Having looked attentively into the case, made himself master of the argument, attended to the opinion of the Judges, and looked closely into the authorities, he came down to that House and gave his opinion to their Lordships, and called for their judgment. Upon that occasion he gave their Lordships a very decided opinion, very clearly formed, and upon further reflection fully confirmed and confidently and boldly held by, that a more groundless writ of error never came before that House, and that their Lordships were bound in justice to decide against the appeal with costs, the costs not to exceed 350*l.* Having moved the affirmation of the judgment of the learned Judges, the entry was made by the clerk, as was usual, in the form in which it always was made, and according to a rule introduced in recent times, but which was firmly established before he had a seat in the House, and with which he had never, in reality, either in form or substance, interfered in the slightest particular, excepting to obey it. No one thing was said, or done, or withheld, with reference to the judgment given, the order of proceedings, or the entry made, but what was in the habitual, regular, and constant course of proceeding, and according to the literal forms of the House as daily observed in every case of the like kind that came before their Lordships. He would next proceed to read to their Lordships the comment that had been made upon these proceedings passing by the ribaldry by which it was introduced. Their Lordships would thereby see that a most serious accusation was made against him, that he, a Member of that House, a Judge presiding over its judicial proceedings, finding that he had done wrong in that capacity, had actually garbled the minutes, and falsified the entry of those proceedings. This charge was made in the most direct and unequivocal manner, although the interrogative mode was adopted. He would read the article to their Lordships, who would see that his statements were not exaggerated.

These circumstances (the noble Lord read) are already, perhaps, known to and remembered by our readers; but what follows will surprise them, however familiar they may be with Lord Brougham's eccentricities.

He had not the slightest objection to plead guilty to the charge of eccentricity, if that offence consisted in going to business early in the morning, and continuing at it till late in the evening, and getting through all the business that was to be done both there and elsewhere; if that was eccentricity he had no objection to plead guilty to it. The article proceeded:

The *Morning Herald*, which contains the fullest report of Lord Brougham's speech in moving the judgment of the House of Lords upon the case, states that Lord Brougham concluded in these words:—"I move, my Lords, that the judgment of the Court below be affirmed, with costs not exceeding 350*l.*" And the *Morning Herald* proceeds to tell us that the judgment of the Court below was "affirmed accordingly."

The *Morning Herald* is not alone. The solicitors, the short-hand writers, the Peers—(What Peers? Your Lordships are slandered also by this paper)—all concur in asserting that Lord Brougham moved, "that the judgment be affirmed," and that the judgment was "affirmed accordingly."

Now, how do we find the Motion of Lord Brougham and the acquiescence of the House recorded in the Journals of the House of Lords?

Thus—"Solarte v. Palmer. Further considered; and judgment thereupon POSTPONED *sine die!*"

(The word "postponed" printed in large capitals.)

Is it true, that the Lord Chief Justice hinted to the Lord Chancellor that the point which had appeared to the Lord Chancellor much too plain for doubt, appeared to the Lord Chief Justice far too dark for certainty?

Is it true, that a friendly functionary hinted to Lord Brougham that he had formerly been Counsel in the cause upon which he was now Judge, and that he had strongly advised the course in the one capacity which he coarsely condemned in the other?

Is it true, that upon the one hint, or the other hint, or both hints, Lord Brougham prohibited the insertion upon the Journals of the House of the Motion which had been made by himself, and the assent which had been given to it by their Lordships?

We cannot answer these questions; and we do not advise Lord Brougham to attempt an answer to them. We know, however, quite enough. Lord Brougham has done an act of such wanton oppression, of such cruel injustice, that the Journals of the House of Lords must be garbled for the reversal or the concealment of it.

("Concealment from the parties who suffered by it!" observed the noble and learned Lord.)

If there is one Nobleman in the Upper House solicitous in the very least degree for the dignity of his order this matter must be noticed without delay. If what we tell is true, Lord Brougham is unfit to preside in the Court of Chancery as a Judge, to sit in Parliament as a Peer, to move in society as a Gentleman.

(Then came a proposition with which he thought their Lordships would fully agree)—

If what we tell is false—there never was committed a grosser breach of privilege than that of which we are to-day guilty.

Therefore it was, as he had already told their Lordships, that he could not read to the end of this article without satisfying them that it was hardly matter of choice with him whether he would bring this matter before them. He was compelled to do so. With all his respect for the freedom of discussion—with all his good-will towards the Press of this country—with all his anxiety that every man's conduct, public and private, for he did not stop at his public conduct merely—with all his disposition to throw open his own public and private conduct to free canvass and inquiry, it was impossible for him to sit on the Woolsack without calling attention to this breach of their privileges. It was really painful to go back to this publication to answer the questions it contained; but he would do so. They were, indeed, as ridiculous as false. It was asked—"Is it true, that the Lord Chief Justice hinted to the Lord Chancellor that the point which had appeared to the Lord Chancellor much too plain for doubt, appeared to the Lord Chief Justice far too dark for certainty?" My Lords, said the Lord Chancellor—It is not true. "Is it true, that a friendly functionary hinted to Lord Brougham that he had formerly been Counsel in the cause upon which he was now Judge, and that he had strongly advised the course in the one capacity which he coarsely condemned in the other? It is not true. I know not to which functionary allusion can here be made. I know of no friendly functionary, or hostile functionary, or person or functionary, who is neither one nor the other, from whom I received any hint, excepting always a public newspaper, in which I saw it stated, that I was Counsel in the cause.

Undoubtedly it is true, that I was Counsel in the cause; but that was in a very early stage of it, and not when it was near the stage upon which alone a single observation is made in this paper. "Is it true, that upon the one hint, or the other hint, or both hints, Lord Brougham prohibited the insertion upon the Journals of the House of the motion which had been made by himself, and the assent which had been given to it by their Lordships?"—It is utterly untrue, scandalously false, wickedly libellous, and slanderous every one must see, and not more scandalous than it is from beginning to end an entire fiction. I know the origin of this, my Lords. It proceeds from some person who is ignorant of the forms of this House in judicial proceedings. You see how dangerous a little learning is. If this person had never known the forms of this House—if he had never dabbled in these forms—if he had not known so little, he would not have got his victim — his dupe, who has been prompted by his malignity—into this gross blunder. By merely looking at the Journals of the House he has been led into this gross fabrication. When the order is made, and your Lordships have agreed to affirm a decree, with a certain amount of costs, the costs are stated *pro formâ*, not to exceed 350*l.*, but the real amount is left to be ascertained. 350*l.* is the *maximum* sum. The costs cannot exceed that sum, but they might be less; they might be 250*l.* or 200*l.* The judgment is afterwards entered up, together with the real amount of the costs. This great improvement, which was directed by one of my noble and learned predecessors, was made years and years before I entered this House. On all occasions, ever since this rule has been in force, the order has been pronounced as I pronounced it, but the judgment has never been entered up till the real amount of the costs has been ascertained. In every one case, I repeat, the judgment is moved to be affirmed with a certain amount of costs, but it is entered in the way I have described to your Lordships — "Judgment postponed." In the case of Solarte *v.* Palmer, the gentleman at the table, who, I have no doubt, will remember the matter better than I do, after I had moved that the decree be affirmed, made the entry in the usual way. That gentleman did not communicate with me in any way; not a word, nor a hint, nor a wink, passed between us. This has happened twenty times since I have been on the woolsack. It has happened almost every day; the business never took any other course, and by no possibility could it have taken any other course. Your Lorships now see how these worthy and disinterested inquirers into my judicial proceedings—these *maladroit* adepts—these bungling, blundering libellers — who, with all the venom that can be distilled from their base and crawling natures, have not the common sense that even the lowest animals, who are endowed with such poisonous gifts possess, of running into their holes and concealing their deformity—have laid themselves open to every species of exposure. No man can regret this, but I do feel some regret for their unhappy victims. They primed their instruments with information, saying, "I had this from such a one—he knows a great deal, and it must be true,"—and then they wrote their own comments, or got their journeymen to write it for them. In this way has been ushered into the world this mendacious composition — as despicable and as malicious in the origin, as blundering in the execution, showing as great a want of common tact as of common honesty. All this is the consequence of the kind of machinery which I have stated to your Lordships. I do not look at it with asperity. In my mind, it produces no other feeling than that of unmeasured contempt. I can't pretend to say, that I feel injured; on the contrary, I am not wounded in the slightest way in any one of my feelings. So that, if that was one of the objects of the slanderers, they have totally failed. I must now say something respecting the advice which I am stated to have given when at the Bar, relative to this case, and which is alluded to in another part of this article. My Lords, I have made it my business, since I entered this House, to apply myself in the closest manner that I can to the duties which my situation entails upon me. Wanting the vast learning and the long experience of some of my predecessors, I have endeavoured, in assisting your Lordships in the exercise of your judicial functions, to make up for that want by deep and unremitted attention to the business brought before me; I am sure that no one who has had an opportunity of observing my conduct will fail to corroborate what I say. I have not adopted the usual plan of saying nothing when judgments were affirmed, and which had almost grown up into a practice. Before the decision of the Roxburgh case, it was the constant practice to say nothing on those occasions when judgments were merely affirmed. Two of my predecessors have certainly given reasons for affirming decrees, but not often. I have, however, made it an invariable rule in all cases where intricate points of law have been involved, or where the question at issue has been of much importance, to give my opinion at length to your Lordships. I find, that it is more satisfactory to the suitors and to the Courts of Law regulated by the judgment of your Lordships, to adopt that course. I acted up to that rule on the present occasion; but, although I stated my opinion unreservedly, it did not, I am sure, betoken the slightest exasperation. I was in no way vexed by the time which this appeal occupied, nor by the attention which I gave to the arguments. It was your Lordships' time which was wasted. With regard to the statement that I on one occasion advised that this appeal should be made, I will premise, that I should be ashamed if, after having given a certain opinion when I was counsel, when I might have been blinded by some obliquity of view, I should feel myself, as a judge, bound to adhere to that opinion, however ill-founded. A counsel is apt to say, in the first moment after defeat, that he is right, and that the court is wrong, but let a month or six weeks pass away, and let him have time to reflect on that hasty opinion, and it is then more than probable that he will admit his error, and say there is not a shadow of a ground for adopting his advice. If I had been in such a situation, if I had advanced an opinion of that kind, I am sure I should have been the first person to say, that my advice was wrong, that there was not a word of truth in it, and that it must be wholly disregarded. I was counsel for Mr. Solarte when the case was tried at Guildhall; but I never complained of a bill of exceptions not being tendered. Lord Tenterden might have advised, that a bill of exceptions should be tendered, but that does not prove that Lord Tenterden considered, that the verdict was wrong, but that he thought it was better that the case should be decided in another court if the plaintiff was of opinion that the verdict could not be maintained, and that his direction to the jury was erroneous. But, my Lords, this cause afterwards came before the Court of Exchequer—it was there argued before all the Judges, and consequently a decision was given in this case, first by Lord Tenterden, and then by the Court of Exchequer, where all the twelve Judges were assembled. An elaborate opinion was expressed upon the question, and the decision of Lord Tenterden was confirmed without one dissentient voice, it being considered a clear case, respecting which no difference of opinion could exist. The point on which this decision turned referred to the notice of a bill of exchange, and the learned Judges were of opinion that there was no colour for saying that a due notice had been given. Your Lordships now see how utterly false—how entirely fabricated is the assertion in this article, that I advised this proceeding, which I afterwards expressed astonishment should have been adopted. The decision given in this case in the Court of King's Bench was brought before the Judges in the Exchequer Chamber, and till judgment was pronounced by them upon it, there could be no appeal in the House of Lords. Now that judgment was not pronounced till the 7th of May, 1831, seven or eight months after I became a Peer, and took my seat as Chancellor; and, therefore, I could not by any possibility have advised upon the subject of an appeal to "the highest tribunal in the country." In the course of that judgment I observe, that the Court says, "There is a stronger case against the party before us than appeared in Hartley *v.* Case, which was decided in 1825." Now, my Lords, I argued that very case myself, and therefore, am well acquainted with the points of law to which it referred—so that here is another reason to show that I should not have advised this proceeding, which I have already demonstrated is physically impossible. With regard to the tone of other parts of this article, which I have not thought it necessary to read to your Lordships, I will make some observations. I certainly did dwell on one circumstance when this appeal was before me, and I did so because it appeared to merit reproof. I allude to the manner in which the authorities were cited to bear out the case of one of these parties. The counsel very carefully cited a case which was forty years' old, having been tried by Lord Mansfield, in 1787, but they took not the slightest notice of Hartley *v.* Case, which was tried so recently as 1825, and which was referred to by the Judges in the Exchequer Chamber. That is not all, my Lords. They cited the high authority of Mr. Justice Bayley On Bills of Exchange, as having laid down the law in their favour; but how did they cite him? Why, they cited from the fourth edition of that learned

Judge's work, published in 1822, in which only the old case of Tyndal *v.* Brown was quoted as applicable to their view of the question. Now, my Lords, I produced to them a fifth edition; but I will first show that that edition might have been known to them. It was published in 1830, and judgment was not given in the Court of Exchequer till 1831. Now, if the fifth edition was published, why should they cite from the fourth? It happens that the fourth edition gives a case in their favour, which is completely overturned by the case of Hartley *v.* Case, and which is contained in the fifth edition. I produced that case, my Lords, and I did feel called upon, under such circumstances, to make some comments upon the course which had been pursued. I certainly thought, that your Lordships should not have been so treated. When I gave my reasons for affirming the decree, and when I made those comments, I heard nothing from my Lord Chief Justice, I heard nothing from any friendly functionary. I formed my opinion from my own impartial consideration of the case; and when I had delivered it I heard no reflection made which could induce me to recede from it. It was my candid opinion, and I have met with no grounds to induce me to change it. If I could have been suspected of entertaining any feeling, was it not more probable that I should have leaned towards that party whose cause I had advocated, and with whose interests I had partially identified myself? But here the charge is the reverse. I am accused of leaning towards the opposite party. My Lords, I trust that it is needless for me to go further into this subject, and to reply to the gross charges which I have brought under your notice. Forgive me for saying that there will be an end to the judicature of the House of Lords, there will be an end of this Assembly judicating at all, if ever we shall live to see the day—which may God forbid, for there would be an end not only of this House, but an end of the administration of justice in England—when personal feelings, when party prejudices, or factious animosities, shall cross the path shadowless, which ought to be of the pure, undefiled, and bright course which your Lordships' predecessors have always held in the administration of justice. I say, my Lords, that if there should appear, from any sinister motive, any disposition in any quarter to afford these libellers shelter—to give them any encouragement, or to speak for them, we shall then have approached the verge, if not fallen down the precipice, of those dangers which I trust we shall never have cause to fear. I should not have discharged my duty as the humble instrument of the judicial functions vested in your Lordships' hands, if I had allowed this publication to pass by unheeded and unnoticed, after my attention had been called to it. As to the deluded parties who have been made the dupes in this most calumnious attack, I feel pity for them; and as to those who are the prime movers in it, and who have brought about only their own shame and discomfiture, I care nothing for them. This provocation, great as it is, may give me cause for some regret, but I can truly say that I am affected in no other way. His Lordship resumed his seat amidst much cheering, and general cries of "Move, Move!"

Earl *Grey* rose, and was understood to say, that after the circumstances which had just been stated by the noble and learned Lord—after their Lordships had been made acquainted with the nature of the attack which had been so unjustifiably made upon the public and private character of that noble and learned Lord, and also upon the privileges of the House, he thought that there could be but one opinion as to the course which ought to be taken, namely, that the publisher of the libel should be called to the Bar of the House. He had read with indignation the paragraph, which was written in such gross and insolent language, and which accused the noble and learned Lord, who was invested with the highest judicial functions, of having falsified an entry in the Journals of their Lordships, for the alleged purpose of concealing an erroneous judgment. This, it clearly appeared, was totally unfounded in fact, no entry having been made, but that which was usually made. He should, without entering further into the subject, move that the paragraph which had been read to their Lordships was a gross breach of the privileges of the House.

Lord *Wynford* said, that it was impossible to deny that there had been a gross breach of the privileges of the House, and that the noble and learned Lord could not have done otherwise than have taken the course which he had. The explanation which his noble and learned friend had given of the mode of entering up judgment by their Lordships was quite correct; but at the same time he wished to state, that the form was calculated to deceive many as to its true import.

The *Lord Chancellor* said, that he did not wish to interfere one way or the other. Why should he? He was not injured in the least by the publication. He did not care one farthing about it. He had always strongly recommended the House not to get into contests on breaches of privilege, for he had observed that on such occasions both Houses of Parliament generally had the worst of it. He must, however, take the liberty to say, if there ever was a case which ought to be brought forward it was the present. With respect to Lord Tenterden's having entertained any doubt upon the case, this was a great mistake. His Lordship had had no doubt whatever finally. The whole of the Judges had unanimously decided one way. The only operation of a writ of error was the imposition of a great expense on the party bringing the judgment out of Westminster Hall, merely to have the case decided in that House by the very persons who had already decided it elsewhere. A case of pure common law, as to a point of what was or what was not evidence on a bill of exchange, never could be decided by that House against the unanimous opinion of all the Judges. He would leave the case to their Lordships, and if they voted the paragraph a breach of privilege, he might probably interfere upon subsequent proceedings.

Earl *Grey* said, that he was sure that their Lordships would be of opinion that personal considerations ought not in any manner to influence their judgment on this question, as it was impossible for the House not to vindicate its privileges on such an occasion. He had never been a friend to proceedings against publications, although their Lordships well knew that he had not passed through his political life without experiencing ample provocation. He had not, however, in any one case, ever made a complaint to that House. The breach of privilege now brought forward was capable of no other construction than that it was a most premeditated, malignant attack on the character of an individual, a violation of the privileges of that House; and he was rather surprised that his noble and learned friend should have treated it with so much contempt. The writer of the libel said—"We cannot answer these questions; and we do not advise Lord Brougham to attempt an answer to them. We know, however, quite enough. Lord Brougham has done an act of such wanton oppression, of such cruel injustice, that the Journals of the House of Lords must be garbled for the reversal or the concealment of it!" Here the writer charged Lord Brougham in his judicial capacity as Member of that House, of garbling and mutilating the Journals of the House, either to conceal or misrepresent a judgment he had given. The writer proceeded—"If there is one nobleman in the Upper House solicitous in the very least degree for the dignity of his order, this matter must be noticed without delay." It was impossible for his noble and learned friend not to have noticed this passage, and, it being noticed, it was impossible for the House not to take the course he pointed out to vindicate its privileges. The writer then continued—"If what we tell is true, Lord Brougham is unfit to preside in the Court of Chancery as a Judge, to sit in Parliament as a Peer, to move in society as a gentleman. If what we tell is false,—there never was a greater breach of privilege than that of which we are to-day guilty." Were their Lordships prepared to hear any Member of that House vilified in such a manner upon a charge totally false? If it were false, he contended that never had there been committed a greater breach of privilege, and it appeared to him impossible for the House to refrain from treating it as such. Let the printer be called to the Bar, and if he could urge any thing in palliation or extenuation of what he had done, their Lordships were too just not to be willing to hear his plea, and to allow him the full benefit of what he might be able to urge.

The Marquess of *Londonderry* said, that the paragraph was scandalous and base, and if the noble and learned Lord had not taken notice of it, he should have felt it his duty to have brought the subject forward. If the printer should not be able to justify himself entirely, the House ought to adopt severe proceedings.

The Duke of *Wellington* entirely concurred in the view, that this was a breach of their Lordships privileges. With reference to the mode of recording the judgment, he believed that the question had been put from the Woolsack, that the judgment of the Court below be affirmed. It appeared to him impossible that that House could pass a vote of such a nature, and that there should be no record of that vote. There must have been a record, but the record which had been printed was, that the judgment had been, not passed, but postponed. Any man would be misled by the discrepancy between the record or entry by the clerk and the printed paper, which professed to be a copy of it. He could assure their Lordships that he had himself been entirely misled by the entry on the vote upon this occasion. When he had perused the libel that morning, he had referred to the printed votes, and he had found them different from the record. He thought it but fair and just to state this to their Lordships, leaving it to their Lordships to do with the case what they might think advisable.

The *Lord Chancellor* explained, that the entry of the judgment on the record was, in the first instance provisional. In every case where the judgment of the House coincided with that of the tribunal below, until the amount of costs was ascertained, the judgment could not be, even though affirmed, entered as finally passed; and consequently, as in the case which gave rise to the present discussion, the printed vote of their Lordships House stated that the case was postponed for further consideration.

The Earl of *Mansfield* thought it was but due to the persons accused of having committed a breach of their Lordships' privileges, to state, that he originally laboured under the same misapprehension respecting the judgment of the House, as the noble Duke who had but just addressed them. He saw in one of the newspapers an account of the speech made by the noble and learned Lord when delivering judgment in the case; and as in that account the noble and learned Lord was made to conclude by moving "that the judgment of the Court below be affirmed with costs," he did not entertain a doubt that such a judgment had been given. His attention, however, was more particularly called to the subject by a friend, who asked him if, such a judgment had been given, and, on referring to the printed minutes of their Lordships' proceedings, somewhat to his surprise he found that no such judgment had been entered, but, on the contrary, that the case had been postponed till a future day. Wishing, then, naturally to ascertain what was the real fact, he availed himself of the earliest opportunity to examine the written minutes, and these certainly he found to be very different from the printed minutes. Whether they ought in terms to correspond with each other he knew not; but in point of fact they did not correspond, and he would shortly state what constituted the difference. In the written minutes above the word "affirmed" were inserted in hand-writing differing from that of the body of the document the words "to be;" but in the printed votes the word "affirmed" was not used at all, the judgment being there stated to be postponed. The meaning of the interlineation in the written minute, he took to be that stated by the noble and learned Lord, but how far the wording of the printed vote was correct he had yet to learn. The statement of the noble and learned Lord respecting the practice of the House, he believed to be perfectly correct. In cases where judgment was given, affirming the judgment of the Court below, with a fixed and determined amount of costs, he would say, for instance, with 100*l.* costs, the vote of the House would be entered as finally affirmed; but in cases where the judgment of the Court below was affirmed with an amount of costs to be ascertained on a future occasion, the proper entry would be, that the case was postponed until the amount of such costs was ascertained. In the present case, as the judgment was affirmed with amount of costs as yet unascertained, the proper entry would have been "to be postponed until amount of costs ascertained;" instead of which it was stated in the written minutes that the case was "to be affirmed," and in the printed minutes, that it was "postponed *sine die.*" That there was a considerable degree of confusion in the taking down and printing of the minutes was evident, and of course it would be a question with their Lordships how far that confusion ought to go in palliation of the breach of privilege, should they decide upon calling the printer to the Bar. He did not state the circumstance in defence of the person accused of the breach of their Lordship's privileges. In the propriety of calling that person to the Bar to answer for his offence, he entirely concurred; and even though, as was the case on a former occasion, their Lordships might be accused of prejudging the case, by designating it as a breach of privilege before the party was brought to the Bar, he had no objection to assent to the noble Earl's present Motion.

The *Lord Chancellor* begged to set the noble Earl right upon the question of privilege. It was absolutely necessary that the article in question should be declared a breach of privilege before any proceedings were taken to bring the printer to the Bar. The printer of the paper, in fact, could not be brought to the Bar unless their Lordships decided that the article in question was a violation of their privileges. He could resist the Order to attend, and no officer would be safe in arresting him, unless he could produce in his justification the Resolution of their Lordships, declaring that a breach of privilege had been committed by the publication of an article in his paper. By that Resolution the case was not at all prejudged; it was only placed in a situation to be considered by the House. His principal object in again obtruding himself upon their Lordships' notice was to say, that with the drawing up of the Minutes of their proceedings he had nothing whatever to do. He never saw the entry made in the Minute-book in the case alluded to until his attention was called to it. Nay, more, in the whole course of his life he never saw a single Minute of any proceedings in that House until that day at five o'clock, when, in consequence of the article in the paper, he referred to the Clerk's-book to see in what terms the Minute in question was entered. There certainly was some confusion in the entries, and his wish was, that that confusion might operate in favour of the accused party. His wish was, that the unfortunate printer might get out of the scrape into which he had been unwillingly brought by others. He bore no ill-will whatever to the poor man who would be obliged to appear at the Bar to answer for what persons beyond the reach of their Lordships' authority had done. He should, indeed, be glad to get at the real authors of the libel, and it was in the hope it might be possible to reach them through the individual who would have to stand at the Bar, that he was disposed not to regret the Motion which had been made by his noble friend. With respect to the insertion of the words "to be" in the written Minute, he could only say, he knew nothing whatever about it. It was stated, and with somewhat of a marked emphasis, by the noble Earl who last spoke, that the insertion was in a hand-writing different from that of the general entry; but he desired distinctly to say, that he had nothing whatever to do with it. It would be easy for their Lordships to examine the Clerks at the Table upon the point, and he was satisfied it would appear, that the interlineation was in the hand-writing of one of them. He (the Lord Chancellor) at all events never saw it until that day, and was in nowise responsible for any incorrectness which it might display. With the Clerks of the House, and with them alone, the mistake, if any, rested; and whenever the printer of the paper was brought to the Bar, he would certainly insist upon their being examined, with a view to show that he had never in any way interfered with the entry, and particularly that he had not himself inserted or directed the insertion of the words "to be" as they then stood in the written Minute. This would be but due to himself, and he was sure their Lordships would not refuse such an examination whenever he should request it.

Earl *Grey* observed, that the manner in which the entry upon the Minutes of the House was made had nothing whatever to do with the question under consideration; it might, perhaps, be a proper subject for future consideraation; but certainly did not properly belong to the matter under discussion. The only question for present consideration was, whether the article alluded to was or was not a breach of the privileges of their Lordships' House, and whether the Minute was correctly entered or not made no difference whatever. In his opinion their Lordships could not help acceding to the Resolution he proposed. It was but a necessary foundation for future proceedings, and by adopting it they decided nothing as to the character of the publication in question—nothing as to the guilt of the person whose name appeared to the paper as its printer. By admitting that the article was a breach of privilege they merely took the necessary preliminary stage to ascertain whether it was written with a malicious intent, or whether the writer of it was sincere in the opinions he therein expressed. How far the article was malicious, or how far it was justifiable, would remain for consideration when the printer was at the Bar, and the case would not, he repeated, be in the smallest degree prejudiced by their then deciding, that it constituted a breach of privilege.

The Question, that the article complained of was a breach of privilege, was agreed to.

Earl Grey moved, "That Thomas Payne, whose name appeared as printer and publisher of the *Morning Post,* be ordered to attend at the Bar of the House on Monday next;" but at the suggestion of some noble Lord who stated, that in cases involving a breach of privilege, a day should not be allowed to intervene, the noble Earl altered the time, and Mr. Payne was ordered to attend on the following day (Saturday),

DRAMATIC LICENSES BILL.] The Order of the Day for the Committee on the Dramatic Licenses Bill having been read, The Marquess of Clanricarde moved, that the House resolve itself into Committee.

The Bishop of *London* said, it was not his intention to move, that the Bill be committed this day six months, neither did he intend to oppose it, but he must be permitted to repeat now what he stated last year, namely, that the theatres of the metropolis were conducted in a manner that was a scandal to a moral people and a Christian country. He repeated this, notwithstanding all the obloquy and odium to which he had been subjected in consequence of his former declaration to the same effect. He felt, that the mode in which plays were represented at the theatres was subversive of the moral feelings of the people; and if not checked would ultimately tend to shake the State itself, because whatever tended to demoralize the people, would endanger the institutions of the country. He repeated, that he should not oppose the Bill, but if it should go into Committee it was his intention to move, "That the words in the preamble representing theatrical entertainments as having a moral tendency should be expunged."

Lord *Segrave* opposed the Bill because he considered it was calculated to interfere with the interests of the two patent theatres. He contended, that additional theatres were not wanted in the metropolis, for the town was already overstocked. With the exception of Mr. Sheridan Knowles, there was hardly a dramatic writer whose works were worthy of being produced on the stage, and therefore it could not be said, that the Bill was required to forward the interest of dramatic authors. Neither could it be urged, that it was necessary to give scope to the talents of good actors, for of actors of eminence there was at present a remarkable scarcity. If this Bill were allowed to pass, the consequence would be, that an unlimited number of theatres would start up from time to time, for the power of licensing them would be vested not only in the Lord Chamberlain, but in the Lord Mayor of London also; so if these two official persons happened to be theatrically inclined, the metropolis would be inundated with minor theatres. Regarding, therefore, the interests of the two great theatres, and considering that the Bill was in other respects likely to be injurious, he felt it his duty to oppose it, and should therefore move, as an Amendment, "that it be committed that day six months."

Lord *Wharncliffe* also objected to the Bill, not only because it would infringe upon the rights of the two great theatres, but because it gave the Lord Chamberlain and the Lord Mayor the unlimited power of licensing as many theatres as they should think fit. He denied, that the patent theatres established a monopoly, for it could not be contended that the regular drama was not acted at many of the lesser theatres now established. At the Victoria theatre the plays of Shakspeare were constantly performed, and he believed that at other minor theatres—at least if he could judge by the bills—the regular drama was occasionally resorted to. He believed, however, that the taste of the public was no longer inclined for the regular drama; and that being the case, he owned he could not see the justice of charging the two great theatres with monopoly. A sufficient number of theatres were open throughout the year to gratify the desire of the public; and he could not but feel, therefore, that the noble Marquess (the Marquess of Clanricarde), by the introduction of this Bill, had treated too lightly the rights and privileges of the patent theatres. A Bill for the better regulation of the theatres now established might be passed with advantage, and therefore as a question of police he should be inclined to give his support to such a measure. As, however, the objects of this Bill were of a different nature, he must say, that he could not give it his support. He believed that the real object of the Bill was, to promote the interest of two or three theatres that were now good speculations, and would be still more profitable if it were allowed to pass. Some of the smaller theatres were open all the year round; and on the whole, considering that the public had no case of grievance to complain of, he called upon their Lordships not to give their sanction to the Bill, but to vote for the Amendment which had been moved.

The Earl of *Mulgrave* was in favour of the principle of the Bill, and considered that it ought to go into Committee, in order that its several provisions might be duly considered. Some measure of the kind was necessary, for the increased and still increasing size of the metropolis called for additional accommodation and greater facilities to meet the inclination of the public to attend theatrical entertainments. The patent theatres exercised a monopoly which ought no longer to exist. The object of the Bill was misunderstood, it was not to increase the number of theatres already established, but rather to place them under certain regulations by which the public would be better accommodated. If the House would allow the Bill to go into Committee, he believed there would be no difficulty in expunging any clause against which reasonable objections could be urged. He was aware, that their Lordships as a body, did not take much interest in theatrical entertainments. Indeed, it was useless to deny, that their Lordships' tastes were not inclined that way. Whether it was owing to any change which had taken place in their feelings or habits, or whether it was to be attributed to the manner in which the theatres were conducted, he would not stop to inquire; but such was the fact. Their Lordships should consider, however, that as the great body of the people were deeply interested in the drama, it was their duty to afford them every reasonable facility, in order to indulge their tastes for an amusement so rational, and to which they naturally attached so great a degree of interest. Under these circumstances, he hoped that the House would not adopt the amendment proposed, but would rather allow the Bill to go into Committee, for the purpose of considering how far it might be advisable to adopt its provisions.

Lord *Wynford* said, that as the proprietors of the two great theatres had vested large sums of money in them, he considered it would be very unjust to interfere with the rights which they enjoyed under the patents which they held. He considered that the number of theatres now established were amply sufficient to meet the wants of the public; and he believed that, as far as the interests of the proprietors of the patent theatres were concerned, they would have no objection that the theatres now existing should continue, provided they were closed according to their licences, and that no others were established within a distance of two miles of the metropolis. If the noble Marquess, who introduced the Bill should not feel disposed to accept that offer on behalf of those whose cause he advocated, he should feel it his duty to oppose the Bill, as he did not think it right that the property vested in the patent theatres should be sacrificed.

The Earl of *Malmesbury* objected to the power given to the Lord Chamberlain and the Lord Mayor of London to license any number of theatres they might think fit. He confessed, also, that he could not see why every theatre established under the Bill should be made to contain 1,500 persons. The Haymarket theatre, he believed, did not contain so many. For his own part, he preferred a small theatre, where he could see the faces of the performers, and enjoy what was passing much more to his satisfaction than in the larger houses. Under a good regulation, he should have no objection that the number of theatres should be extended, and with that impression he should vote for the Committee.

The Marquess of *Westmeath* suggested to the noble Marquess (the Marquess of Clanricarde) to withdraw the Bill, in order to bring it forward in an amended form.

The House divided on the Amendment: Contents 22; Not-contents 8—Majority 14.

Committee postponed for six months.

List of the NOT-CONTENTS.

Clanricarde, Marq. of
Denman, Lord
Malmesbury, Earl of
Melbourne, Lord
Mulgrave, Earl of
Radnor, Earl of
Somerset, Duke of
Torrington, Lord

* * *

HOUSE OF COMMONS,

Friday, June 27, 1834.

MINUTES.] Petitions presented. By Mr. WARBURTON, from Bridport, against Employing Children in Sweeping Chimneys; from Dumfries, and two other Places, for an Inquiry into the Medical Profession; from Bridport, and by Mr. ROBERTS, from Maidstone, against the Church Rates Bill.—By Mr. R. TREVOR, from one Place, for Protection to the Established Church.—By Lord SANDON, from Liverpool; and by Mr. BLAMIRE, from Frome, Selwood,—against a Clause in the Poor-Law Amendment Bill.—By Mr. ELLICE, from Foleshill, for Relief to the Dissenters.—By Lord SANDON, from Liverpool, against the Universities Admission Bill.—By Sir D. K. SANDFORD, from the Schoolmasters of Paisley, for an increased Stipend.—By Mr. GULLY, from Arkworth, against the Sale of Beer Act Amendment Bill.—By Sir ANDREW AGNEW, from two Places, against Drunkenness.—By Mr. HARDY, from Bradford, in favour of Captain Atcheson.—By Sir HARRY NEALE, Messrs. GOULBURN, PARKER, MOSTYN, BYNG, and F. SHAW, from a Number of Places,—for Protection to the Church of England.—By Admiral FLEMING, from Balfour, for a Separation of Church and State; from two Places, for altering the Reform (Scotland) Act.—By Admiral ADAM, from Clackmannan, for an Alteration in the Game Laws.—By Sir ANDREW AGNEW, from a Number of Places, for the Better Observance of the Sabbath.—By Mr. PARKER, and Mr. HALL DARE, from four Places,—against the Claims of the Dissenters.—By Mr. T. ATTWOOD, from Stoke-upon-Trent, for remitting the Sentence of the Dorchester Labourers; from Birmingham, for amending the Friendly Societies Act.—By Colonel PERCEVAL, from Sligo, for an Inquiry into the State of the Irish Fisheries.—By Mr. G. LANGTON, from Shepton Mallet, for an Inquiry into the Charities of that Town.—By Mr. A. SANFORD, from Taunton, against the Claims of the Dissenters.—By Mr. R. N. SHAWE, and Sir JAMES GRAHAM, from three Places,—for Relief to the Agricultural Interest.—By the former, from several Places, against the Church Rates Bill.—By Mr. TOOKE, from Jamaica, for compensating Congregations for the Destruction of their Chapels.—By Mr. DUFFIELD, Mr. HALL DARE, and Mr. R. N. SHAWE,—against Clauses in the Poor-Law Amendment Bill.—By Sir HENRY PARNELL, from three Places, for an Alteration in the present System of Church Patronage in Scotland; from Dundee, in favour of the Bankrupts (Scotland) Bill.—By Mr. BLACKBURNE, from Huddersfield, against the Sentence passed upon Captain Atcheson and Lieutenant Dawson.—By Sir A. HOPE, from Linlithgow, for Protection to the Church of Scotland.

POOR LAWS' AMENDMENT—REPORT.] The Order of the Day for the further consideration of the Report on the Poor Laws' Amendment Bill having been read, Lord Althorp moved, that the Amendments be read a second time.

Lord *Granville Somerset* was afraid, that under this Bill it would be impossible for poor persons to obtain relief if they should be opposed by the parochial authorities. The pauper had no means of enforcing his claim to assistance, except by appeal to a distant central board, or by indicting the parish officers. That might lead to starvation and cruelty. He wished to give Magistrates a power of enforcing relief in cases of extreme emergency. He was also desirous, that the Secretary of State should exercise the same supervision with regard to any suspension or alteration of existing regulations by the Commissioners as in the case of new rules.

Mr. *Walter* said, that the Bill being in this advanced stage, he apprehended it was the duty of those who, like himself, had opposed it on its first introduction, to state whether their aversion was removed or diminished by the modifications it had undergone. It was possible, certainly, that the character of a measure might be totally altered by the various provisions introduced with a view to regulate its operation in detail: and he heard it said, with respect to this Bill, when objections were stated: "Oh, it will come out of the Committee a totally different thing." It had now come out of the Committee, and he asserted that it did not come out of it a totally different thing, but that whatever objections were entertained with respect to the principles of the measure at first, remained undiminished, or very little diminished, in its present stage. It was, in truth, as it had been justly called,—so far as related to the management and support of the poor, and in reference to the long-established Poor-laws,—a revolutionary measure. He did not think the statesmen of this age and nation wiser than the statesmen in the reign of Queen Elizabeth, and that therefore the principles first laid down by the Ministers of that illustrious princess, however they might be modified in their application to existing circumstances, should be wholly cast away, and other principles, the invention of speculative heads, substituted in their place. There was this difference also between the law of Elizabeth and the present Bill—the former was an Act of Parliament, containing in itself a complete code of Poor-laws, in twenty brief and intelligible clauses, upon which the country acted from 1601 to 1662; whilst the latter, containing upwards of four-score clauses, neither brief nor very intelligible, was only part and parcel of a code consisting at present of 118 statutes. If from such a nucleus, for the present Bill was no more than a nucleus of what was to be, it increased with proportionate rapidity, he concluded that the new Poor-laws of England, before the natural death of the present Parliament, if it lasted the usual time, would be equal to those massive volumes of which a sample was lately produced by the right hon. member for Tamworth. For the sake of clearness and conciseness, he should confine his remarks to three of the chief provisions—the Central Board, the workhouse system, and the emigration scheme. Now, with respect to the Central Board, besides its despotic power, the objection was, that it created not merely fresh patronage, for one might have seen some bounds to that, but a fresh source of patronage which was immeasurable in its effect and extent. We could have found fault before, for example, with the Board of Taxes, the Victualling Board, the office of the Commander-in-chief, and many others, each as having too much patronage attached to it; but then these were old institutions, carried perhaps to a considerable excess. But who could calculate beforehand what would be the expense of a Central Board of Poor-law Commissioners, now first invented, and to push forth its arms into every parish of the kingdom? The only change under this head was, that the new Commissioners were not to have the same power, immunity, and irresponsibility as the ancient Judges of the realm; they were not to be allowed to imprison at will upon summary process; but the Commissioners were themselves, in one word, patronage, — newly created patronage—patronage liable to yearly and indefinite increase. All objection, therefore, to the Bill under this head was undiminished. Whatever were the evils of the present Poor-law system, it at least possessed no patronage. With respect to the workhouses, had the Bill in Committee received improvement of so important a character as to do away with the objections on this head? Workhouses certainly existed before, but the change which this Bill suggested in them was of a most severe and oppressive character. The poor were liable to be removed from the vicinage of their friends, and all those little occasional helps which might soothe their distress in their native villages—removed to new faces, and to the severe custody of persons unacquainted with their previous habits. But what he would most particularly wish the House to mark under this head was, that the whole principle of the new law and the motives for its introduction were entirely violated and set aside by the most important provision in the 44th clause. What said the Report of the Commissioners on which the Bill was founded? That the present local authorities were often illiterate and ignorant men — that their motives were often as faulty as their capacity for business was deficient—that they were swayed by local habits, passions, and interests, and that they were liable to intimidation. And what said the Bill itself? Why, that at that very moment, when the inefficacy of the present local authorities was most glaring, and might be most fatal, the poor were at that very time to be tossed back from the central or provincial boards upon the despised and rejected local authorities. The professed principle of the Report was, that the poor should not be brought into contact with the local authorities, whilst the act and operation of the Bill was positively to put them into contact, and perhaps into collision with each other, and that at a time when both were in a state of the greatest excitement; for it appeared by the 44th clause as it now stood, that "if the overseers or guardians of any parish or union deem it advisable that relief should be given to any able-bodied persons out of the workhouse, or his or their families, who at the time of applying for such relief shall be wholly or partially in employment, it shall be lawful for such overseers or guardians, under the special circumstances of the case, to grant relief to such able-bodied persons and their families, although they may at the time be wholly or partially employed. Here, therefore, he said, the overseers were brought in direct contact with those poor, which contact it was the professed object of the Bill to prevent. The Poor-law Commissioners suggested, that the new local authorities should be divested of all discretionary power in the administration of relief, and the enactment gave them that discretion at a time when they were likely to be torn in pieces if they did not exercise it in a manner to please those with whom they were in contact. The third head on which he should speak was emigration, which the Commissioners had been pleased to call "an innocent palliative" of the evils of the present system, and they said, that "the abolition of partial relief will remove the main discouragement to emigration. It will increase the disposition to emigrate on the part of those whose emigration is to be desired." Objecting generally to the principle and details of the Bill, he should particularly mark this clause with respect to emigration, as cruel, impolitic, and in the result not likely to admit of complete execution. It appeared to him to be a clause by which one portion of any parish might be allowed to transport another for no other crime than that of poverty; and because the transporting party did not give itself the trouble to find employment for those whom it might choose to send out of the country; for it must be observed that the "emigrants," as they were mildly called, must be people capable of work—must be the young, the healthy, and the vigorous; or else sending them out of the country was but sending them to certain death and destruction. But it might be said, that the persons emigrating were to be voluntary fugitives; the clause stated that they were to be persons willing to emigrate. Now, he said that the will to emigrate—the inclination to be removed from your home—to break through all the ties of nature and the bonds of long habitude—to quit the place of your birth—to divest yourself of the love of ancient associates and the love of country—the inclination to break through all these ties, he said, did not depend on a man's self, but upon the treatment which he received from others at his home, at the place where he first saw the light, and where he must naturally wish to lay his bones. There might, no doubt, be here and there voluntary ramblers; but in general you must reduce a man to the most abject state of misery before you could drive him to that heart-rending condition, in which he should voluntarily apply to be removed for ever from his native land to he knew not whither. The will, therefore, to emigrate depended not upon those who were thus transported, but upon those who transported them. In general there neither was nor could be any such thing as a voluntary emigrant for life. External circumstances, over which the individual had no control, drove the inclination in at the chinks of a breaking heart. Milton thus described certain emigrants of his day, who quitted their native country on account of religious persecution, and his remarks were equally applicable to those who quitted it under the persecution of want and hard treatment:—"There cannot be a more ill-boding sign to a nation (God avert the omen from us!) than when the inhabitants, to avoid insufferable grievances at home, were enforced by heaps to quit their native country." He had said, that this clause was never likely to admit of complete execution, and for this reason—it could not be said to be so completed till the debt contracted by the parish sending forth the emigrants was repaid. And when was that likely to be, he asked? You contracted your debt for the purpose of sending these voluntary emigrants out of the land. Your rates were therefore so much diminished by the interest due upon the debt; the residue would not be more than sufficient to supply a comfortable provision for the remaining paupers. The time for repayment approached—the clause limited it to five years. In the mean time, what was doing? Could you stop the course of nature? A fresh pauper population had been born, was growing up, and required support. What were you to do with them? Why, instead of the parish paying off its old debt, it must, if this dreadful system continued, borrow a fresh sum to send the new race out to Australia, to Canada, or wherever else it might be. He did say, therefore, that the clause was unnatural, and that it would never admit of complete execution. With respect to emigration itself, in addition to its violating the tenderest feelings of our nature, was it not liable to occasional terrors, arising from accidental causes? Who could have read without shuddering the various melancholy accounts which had very recently appeared of the sufferings of emigrants in their outward bound voyage? Several ships and many hundred lives had been lost. Now, although these might be accidents which could not be reckoned upon as of frequent occurrence, yet they must naturally increase the terrors of emigration, and render our population, particularly the female part, the female part also with children, more averse to quit their quiet homes. Let it be observed, also, that ships for emigration had not the same appointments—not the same securities, as British ships of war, or even the trading vessels of rich commercial houses. Were he to venture further into the details of the Bill, he thought he could show more at large its severity and probable inefficiency. Whoever would take the trouble of comparing it with the Bill introduced by Mr. Pitt in 1796, and which actually passed through a Committee of that House, would find that the measure of that eminent statesman breathed a spirit of humanity and tenderness towards those who were the objects of it; whilst the present measure was harsh, and totally unaccommodating to the feelings of the poor. He felt very strongly that there was no occasion for this measure, and that the amendment of the old system was all that was necessary for the future management of the poor. But what he had already observed under the three chief heads, of the Central Board, the workhouses, and emigration, was sufficient to determine him with respect to the vote he should give, if the sense of the House should be taken upon the propriety of such a Bill passing into a law.

Mr. *George Frederick Young* considered that it would be an act of moral cowardice on his part if he did not now say, that he still entertained towards the measure the same feelings of opposition which he expressed in the beginning of the discussion. He charged the promoters of the measure at the time of violating the soundest doctrines and principles of legislation when he saw them introducing a measure into that House based on opinions formed from partial conclusions. He knew many instances in which local abuses had been remedied without having recourse to general measures when parties on the spot wished to interfere. The Constitution of this country was dependent on the habits of the people, and he particularly thought all matters relating to charity, such as the relief of the poor, should be left to the feeling and good sense of the people without any interference on the part of the Government. He cordially concurred in several of the remarks made by the hon. member for Berkshire. It seemed that the noble Lord meant to make experiments upon the institutions of the country. He had one consolation however. The Bill would not do all the injury expected from it, because it would not be long in existence. It would not practically work, and therefore would come to an end. The only clause of the Bill that met with his consent was that which limited the power of the Commissioners as to the duration of time, and he only wished that their powers were also limited as to space. He wished that their power was confined to agricultural parishes, and did not extend to towns. He had hoped for a modification of this measure; he had got none; and he was now determined to vindicate his former opinions by voting against all the future stages of the measure.

Mr. *Benett* considered the powers granted to the Commissioners as being most outrageous, and he was surprised that any hon. Gentleman could consent to that portion of the Bill which conferred those powers. The intention of uniting parishes was monstrous. The parishes in the country and in country towns would never consent to be united with the parishes of manufacturing towns. It would be very easy, however, to find guardians of the poor who would wish to unite such parishes, and to make the union between them permanent. It was, therefore, his opinion that the clause which related to the union of parishes was an excessively unjust one. By that, of course, he meant unjust towards the agricultural parishes. He did not like the plan of having the parishes taken out of the hands of their provisional managers and placed in those of a Central Board of Commissioners. He objected strongly to the cramming of adults into workhouses, for in his county there would not be found more than one workhouse in every seven parishes. In looking to the Report of the Poor Law Commissioners he found them stating that small parishes were well managed, but the large ones were badly managed, though the overseers of them were paid. He was convinced that the Bill never could be carried into operation.

Mr. *Robinson* said, that although attempts had been made in the Committee to alter the objectionable character of this Bill, yet he did not think such alterations had been made as to justify the House in passing it at a late period of the Session. He would ask what evidence there was that the people out of doors entertained opinions favourable to the Bill, as there had been no petitions presented in favour of it, while a great many had been laid on the Table against it, and the latter were signed by men practically conversant with the operation of the Poor-laws. The Magistates and Overseers of the poor had almost unanimously pronounced their opinion against the Bill. The only reason why so little opposition had been given to it in that House was, that it had been held out as a measure of relief to the landed interest. Indeed the noble Lord (Lord Althorp) had stated, that he considered the Tithe Bill and this both to be measures of this nature. He had said more than once, that this Bill would tend to lessen the amount of the poor-rates, and thus benefit the agriculturist; but he was satisfied that it would be many years before there could be any material reduction in the poor-rates under this Bill, as it would be necessary to erect workhouses and incur other heavy charges. He never recollected any Bill of importance in that House with respect to which there was such a desire to give support to Government in every point. He recommended that the Bill should be withdrawn, and in the meantime it could be circulated throughout the country in its amended form, and it could then be brought forward under better circumstances early in the next Session. He regretted that he should feel it to be his duty to oppose the third reading of the Bill; it might not be with any prospect of success, but it would show his sense of the conduct of the Government.

Mr. *Slaney* contended, that no subject had ever been submitted to the Legislature which had been more attentively examined by the House and the country than the present. For the sake of the poor and humble classes of the community, and if the House was constituted of those who were truly the Representatives of the people, they must be desirous of bettering the condition of the labouring classes, they should at once pass either this or some other Bill equally efficient. If he could for a moment think, that this Act would prove in the least degree injurious to the poor he would oppose it to the utmost of his power; but he was satisfied that it would have the effect of enabling the industrious poor to better their situation, and would, at the same time, afford great relief to the landed interest. The present Government had been the first to grapple with this extremely troublesome and difficult question, while other Administrations had merely applied palliatives, which, instead of affording relief, had tended to increase the evil. He congratulated his noble friend (Lord Althorp) at having brought forward a measure to amend a system which, if allowed to continue, would ultimately ruin all the property in the country. His hon. friend the member for Wiltshire (Mr. Benett) never appeared to understand the sound principles which were acted upon in the north of England, where better wages were given to the good workman than to those who were idle and profligate, instead of giving all men the same rate of wages. He trusted, however, that in the course of a few years, he should see the labourers of Wiltshire in the same situation as those of Northumberland and Cumberland, and, instead of an uniform scale of wages, that the industrious man would be enabled to support his family without going to the parish for his pay, and that relief would only be given to the helpless. He had no doubt if the Bill passed, that in the course of a few years, even in the south of England, the poorer classes would make provision for themselves, by means either of the Savings' Bank or the Friendly Societies, and that a sense of pride would prevent their resorting to the poor-rates.

Mr. *Richards* had, when the Bill was originally introduced, recommended that the powers of the Commissioners should be curtailed or controlled. Much had been done in the Committee to satisfy him on this point, and he should rejoice extremely to see it pass into a law. He was glad, notwithstanding the attempts made by the public Press to excite a feeling against this House in consequence of the support given to this Bill, that there was such a determination on the part of the Government and hon. Gentlemen to carry the measure into effect. He trusted, notwithstanding the violent articles which had appeared in one leading newspaper, and especially in the paper of that morning, which were utterly disgraceful to that journal, that Government would continue to rely upon the good sense of the House and the country. He almost felt called upon by a sense of duty to call the publisher of *The Times* newspaper to the Bar of the House for three articles; and the only thing which induced him to abstain from taking that step, was, that he was a young Member not much acquainted with the forms of the House. He was satisfied that this measure would be attended with the greatest advantages to the country, although he felt bound to state, that he believed that it might be amended with advantage in some of its details. If the present system, however, were not put a stop to all classes of the community would be involved in common ruin; and, if it should not work so well as he wished he should still feel bound to give the Government the greatest credit for the manner in which they had introduced it into the House. But great a benefit as he thought the Bill would confer on property, it was much more for the benefit of the poor than for that of any other class. He trusted, that the Ministers would extend the principle of the Bill to Ireland, for if that country were left without Poor-laws it was quite clear that no improvement in their administration in England would tend to better the condition of the labouring classes. Permanently to improve the condition of the labouring classes in this country, it was absolutely necessary that they should also better the situation of the Irish poor. Merely to raise the condition of the labouring classes here without passing Poor-laws for Ireland, would only cause such an immigration of the Irish poor as would bear down the rate of wages to nearly the level of what they were in Ireland, and throw a large portion of the labourers on the poor-rates. He called upon the noble Lord (Lord Althorp) not to suffer Ireland to remain in its present condition, as it was a by-word throughout Europe, and most injurious to the interests of all classes in this country. He would only, in conclusion, express his earnest hope, that hon. Gentlemen, whether they were supporters or opponents of the Bill, would, if it should pass, exert themselves to see that its enactments were carried into effect in a mild but, at the same time, a firm manner.

Mr. *Thomas Attwood* said, it had been asserted, that the present system had almost doubled the Poor-rates in the last twenty years; but such was not the fact. The amount now levied for the Poor-rates was only 300,000*l.* more than the amount raised in 1814, twenty years ago. The amount raised in 1814 was 6,400,000*l.*, and the amount raised last year was 6,700,000*l.* It appeared, from the population returns, that the population had increased one-third during that period. If the Poor-rates had increased in the same proportion, they would be now 9,000,000*l.* The effect of this Bill would be, not to raise wages, but to lower them. Knowing the state of the public mind on this subject, he could not but consider that this Bill was like a firebrand thrown into a magazine of gunpowder; and he called upon the noble Lord to pause before he made such a dangerous experiment. He protested against every part of the Bill—against that monstrous part of it relating to illegitimate children—against that part of it which created a parcel of bashaws to rule the country, but to whose rule he was sure the people of England would never submit. He protested against the part of it intended for forcing the people into workhouses, as cruel, futile, and unconstitutional, and, in fine, he protested against the whole Bill, and against all its clauses and enactments.

Mr. *Baring* thought, that Government deserved praise for endeavouring to apply a remedy to the evils and abuses of the Poor-law system; but he had great apprehensions as to the consequences to be anticipated from this measure. Unless great care was taken in the administration of it, especially in the country districts, he looked forward with dismay to the effects that might arise from it. The country was certainly indebted to the Government for endeavouring to apply a remedy in this case, and those who objected to the remedy were undoubtedly bound to bring forward some other. He did not think, that they should deal so abruptly with the labouring population of the country. No doubt, the final result of the measure would be to effect an improvement in the condition of the people. He was sure, that that was the object of the Bill, and that the measure would not be for a moment countenanced by the Members of that House if such were not its object. If it did not ultimately effect an improvement in the condition of the labouring classes in this country, the measure would be good for nothing. It was no answer to him to point out the evils and difficulties of the present system, or of the situation in which the labouring classes of this country were at present placed, unless an easy exit out of those difficulties by some defined measure was submitted. Even if it were in his power to carry an opposition to the present Bill, he should propose that opposition with extreme reluctance: but he must remind the House of one, in his judgment, of the most essential parts of the Bill; he alluded to that which refused parochial assistance to able-bodied labourers who might from circumstances be unable to gain any part of the means necessary for their own subsistence. After the month of June next, the labourer could not have any wages made up by the aid or assistance of the parish; and if hon. Members would for a moment recollect what was the condition of the labouring classes of a great portion of the country, at all events in his own district, he thought they would concur with him in his apprehensions that this change, effected by the clause to which he had alluded, would be brought most abruptly in operation. He confessed himself alarmed at the abruptness of the contemplated change, and he was of opinion, that to its effects the labouring classes ought to have been brought by degrees, and by such a course the alteration might have been effected with the most perfect safety; but now, by this particular clause of the Bill, the labouring classes would have almost immediately to meet the alteration under the infliction of all the encumbrances under which they at present laboured. If the provisions of the clause had been confined to the assistance to be afforded to children hereafter to be born, the minds of labouring men, who could not be supposed to be conversant with Acts of Parliament, or to be competent to entertain a notion of what might be the result of the measure coming upon them, would have accommodated themselves during the lapse of time to the preparation for the coming change. This portion of the Bill, in his opinion, required and justly called for, a more gradual and easy course of legislation than had been pursued, and in this feeling he was borne out by the evidence of one respectable and intelligent witness examined before the Committee upon agriculture of last year. He admitted, that the noble Lord (Lord Althorp) was entitled to the thanks of the country for having introduced some measure for the improvement of the existing Poor-laws. He, therefore, could hardly make up his mind to oppose the passing of the present Bill, though he could not but repeat his apprehensions that the Legislature was thereby effecting too abrupt and rapid a change.

Lord *Althorp* expressed the satisfaction with which he had heard the speech of the hon. Gentleman who had just sat down, because the hon. Gentleman seemed to concur with his Majesty's Government, that the present Bill was calculated to effect that for which it was intended, namely, the amelioration of the poorer classes of the community. His hon. friend had expressed his fears as to the abrupt mode in which that amelioration would be effected; and if the clause to which his hon. friend had referred was unaccompanied by other enactments, he should himself look to the doing away with the allowance system with considerable apprehensions. But his hon. friend must remember, that the clause was accompanied by provisions, enabling the Commissioners to bring the operation of the change in the allowance system gradually into effect. Under such circumstances, he hoped his hon. friend would see that his objection was removed. A noble Lord, not then in his place, (Lord G. Somerset) had expresssed an opinion, that too much power was given by this measure to the parochial authorities to refuse relief in cases of emergency. He must say, that he thought the Bill strengthened the law under which, as he believed, overseers were indictable, if they did not afford relief in cases of extreme necessity. Though the noble Lord wished that Magistrates should have the power to order relief in cases of emergency, he should bear in mind that one of the provisions in Mr. Sturges Bourne's Bill made that measure nugatory. In reference to the observation of the noble Lord, that too much power was given by this Bill to the Commissioners to rescind and make orders, he (Lord Althorp) thought the objection of the noble Lord was met by the necessity, under this measure, of such proceedings being referred, before adopted, to the Secretary of State. The hon. member for Berkshire had said, that the Bill had not been materially altered in its passage through Committee. The hon. Member had previously thought, that the Bill would have been cut into pieces in Committee; but he was glad to find that the hon. Member could now admit, that, in that ordeal, no material change had been effected. The hon. member for Worcester had alluded to the number of petitions which had been presented against the Bill; but the hon. Member had forgotten that though on the Journals the petitions appeared to have been presented against the Bill generally, yet the majority of them were directed against particular clauses, and not against the measure as a whole, to which he was satisfied the objections were comparatively but few. He admitted, that the opposition had been more general in the metropolitan than in the country districts; but from what he had heard and seen in the country journals, he was satisfied, that the present Bill was, generally speaking, a popular measure. He was convinced, that this Bill would be productive of the greatest possible good to those very individuals with respect to whom it had been described as a harsh measure. The farmer and his labourer would both be benefited; the latter being made independent by increased wages, and the former, in consequence of that increase, would have his work much more effectually and zealously done and performed. Under all these circumstances, he confidently trusted the House would give its continued support to the measure.

The Clauses, from A to E inclusive, were agreed to.

Clause F was withdrawn.

On Clause G being put from the Chair,

Mr. *Langdale* said, that he had met with frequent instances where parents at the point of death were extremely anxious that their children should be brought up in the tenets of the religion to which they themselves belonged; and he should therefore propose, that where the children of persons dying in workhouses were directed by their parents to be educated according to a particular form of religion, their instructions should be attended to. He alluded more particularly to those whose religion he himself professed, and, in some parts of the kingdom, especially Lancashire, a great part of the inmates of workhouses were Roman Catholics. He acknowledged, that his object was to protect those individuals, who, it was well known, were very desirous that their children should be taught the form of religion which they themselves believed the true one. He moved an Amendment accordingly.

Lord *Althorp* observed, if parents did object to their children being educated according to the doctrines of the Established Church, they certainly ought to have the power of preventing it.

Amendment agreed to.

On Clause O being proposed,

Mr. *Jervis* rose to repeat objections which he had formerly urged against the immunity given to the Commissioners by this clause. It had been agreed upon all hands, that these Commissioners were to be regarded merely as agents for carrying the Poor-laws' Amendment Bill into effect; and that they were not to be at all regarded in the light of Judges; it was, consequently, an anomaly in legislation to exempt them from the liability to actions; nor was it necessary for the due performance of their duties. The House, he would assume, was willing to give these Commissioners great authority, and to repose great confidence in them; but the greater the authority committed to them, the greater the confidence reposed in them, the less reason was there why they should receive this extraordinary protection. It was possible that, acting as a Board in a judicial capacity, they might be guilty of gross injustice and oppression; and yet the individual injured by them, if he happened to be poor, was to be virtually denied all redress. To proceed against a Commissioner by indictment was a course which no poor person could adopt. It would be productive of no pecuniary remuneration to him; on the contrary, he would be exposed to a heavy expense. He also protested against allowing Commissioners treble costs, which would not alone cover the expenses to which they were exposed, but actually exceed them.

Lord *Althorp* observed, that the question really was, would they allow actions to be brought against the Commissioners sitting as a Board. There was no desire or intention to screen individual Commissioners from the consequences of any misconduct of which they might be guilty. He apprehended, that the practical meaning of treble costs was, in fact, that no action should be brought against the Commissioners under the circumstances to which he had alluded. He thought, that if actions were allowed against them, they would be so annoyed, so cramped thereby, as to be rendered altogether inefficient. Actions on the most frivolous and vexatious subjects would be brought against them, and he did not believe they could get on at all with the business, if they were exposed to the multiplied annoyances that would ensue.

Mr. *Pease* thought, it would be enough to give the Commissioners full costs, as between solicitor and client.

The *Attorney General* recommended his noble friend to substitute for 'treble costs' the words 'full costs' as between attorney and client.

This Amendment was carried, and the Clause agreed to.

Mr. *Poulett Scrope* moved a clause to be added after the 84th clause, as follows:—"And whereas it is contrary to the humane spirit of the English laws, that any individual shall be permitted to perish for want of the necessaries of life, or of medical assistance, and that whoever is by sudden emergency, or urgent distress, deprived of the ordinary means of subsistence, ought to be relieved immediately by the overseers of the parish in which he may be at the time, whether his legal settlement be there or not; be it enacted, that in case any overseer of any parish or union shall refuse or wilfully neglect to afford due relief, according to the circumstances of the case, to any poor person so situated, every such overseer shall, upon conviction thereof before any two Justices, forfeit and pay for every such offence, any sum not exceeding *5l.* Provided, also, that when such offence shall appear to any two Justices to be of a nature to merit a heavier punishment, it shall be lawful for such Justices to direct such overseer to be indicted for such offence as a misdemeanour at the next general Quarter Sessions for the county in which the said parish or union shall be situate; and the said Court of Quarter Sessions shall have power, if they think fit, to direct the costs of such prosecution by indictment to be paid out of the Poor-rate of the said parish or union."

Lord *Althorp* thought, that the hon. Member was mistaken in his view of the necessity for this clause. Overseers were liable under the existing law to indictment, if they refused relief in cases of extreme distress, and might be indicted for murder if death was the consequence; but he did not think that, in cases of prosecution, the costs should be paid out of the rates, and he therefore could not see the advantage of the Amendment proposed by the hon. Member, the effect of which might be to produce indictments where there was no ground for them. By the present law, overseers were bound to afford relief in emergency.

Sir *Thomas Freemantle* said, that the Bill, as it at present stood, left the pauper at the mercy of the vestry, without any control or appeal whatever. Much as he approved of the Bill, he was not prepared to go the length of leaving him without control or appeal. There were intermediate cases between ordinary ones, and where the pauper was dying for want of relief. He saw no objection to the introduction of the clause.

The *Attorney General* said, that the allowance of costs in such cases led to inconvenience; it often swelled the criminal calendar. Overseers were now liable to punishment, as proposed; but if the costs of a prosecution were to be paid out of the rates, it would tend to encourage unnecessary indictments.

Mr. *Poulett Scrope*, in reply, observed, that by the existing law of Elizabeth, Magistrates, had the power of compelling overseers to grant relief; that power, however, would not exist under the present Bill.

The Clause was negatived.

Mr. *Baines* proposed a clause to restrain the Commissioners from the exercise of their powers in any parish or township maintaining its own poor, where the rates, on an average of the three last years, shall not have exceeded 2*s.* 6*d.* in the pound, unless at the requisition of the rate-payers in special vestry. The hon. Member observed, that the majority of the petitions presented to the House against this Bill were opposed to the power given to the Commissioners, and its extension to all parts of the country, where, such as at Manchester, and other places, there was no necessity for the exercise of that power, the parishes being well administered. Instead of 5*s.* and 15*s.* in the pound, in most of the manufacturing parishes, the rates were scarcely one-eighth of the annual rental. The measure here recommended would withdraw one quarter of the population of the country from the operation of the Bill, and the remaining three-fourths were quite sufficient for the Administration of the Commissioners. If these three-fourths were well administered, then it would be an inducement to parishes to require their superintendence. The exception he proposed would not vitiate the Bill, or prevent the experiment being tried; on the contrary, it would facilitate the experiment.

On the Question that the Clause be read a second time,

Lord *Althorp* said, that he could not think the clause an improvement. It would destroy one of the principal advantages of the measure, namely, uniformity of practice, to exempt some patches of the country from its operation. He could not conceive that good could arise from the adoption of the proposition. The hon. Member said, that many parishes were averse to the interference of the Commissioners. If that interference was likely to increase the amount of the rates, that might be a reason for the objection; but the effect of the Bill would not be to increase the amount. The object of this measure was, that the poor should be raised from their present condition; but, in the manufacturing and other places, however low might be the rates in many cases, the situation of the poor was not what it ought to be. If the House acted upon the principle of lowering the rates merely, it would make the Bill what they had been accused of wishing to make it, a plan to save the pockets of the rate-payers only.

The Clause was negatived.

Mr. *Tooke* proposed to add the following clause to the Bill:—"And whereas there are several districts, precincts, or places in England and Wales which, not having been rated to the relief of the poor of the respective parishes or townships in or near which they are situated, are through such usage alleged to be extra-parochial, and the occupiers of lands, tenements, and hereditaments and premises within the same, claim to be exempt from payment of the rates made for the relief of the poor of such parishes or townships, but support the poor within their own respective districts, precincts or places: and whereas it is expedient for the purpose of simplifying and equalizing the payment and collection of the rates for the relief of the poor, and their settlement and maintenance, that such districts, precincts, and places, should be rated with the parishes or townships in or near which they are situated; and that the poor within the same should be relieved and maintained in common with such parishes or townships;—be it therefore enacted, that all and every such districts, precincts, and places, whether having overseers or not (save and except any district, precinct, or place within the two Universities of Oxford and Cambridge, and any place declared by Act of Parliament to be extra-parochial), shall for the purpose of making and collecting such rates for the relief of the poor, and for their settlement, maintenance, and relief, from and after the time at which this Act is to take effect, be deemed and taken to be within and part and parcel of the parish or township in which they are respectively situated, or of the parish or township to which they are respectively nearest or adjoin for the greatest space; and if any such district, precinct, or place, shall be equally near, and adjoin two or more parishes or townships then, and in such case, that district, precinct, or place shall be deemed to be within the most populous of such parishes, according to the last census for the time being."

Mr. *Pollock*, in rising to oppose this clause, said that he did not rise to perform an act of self-denial. This clause was calculated to bring a charge varying from ten to twenty per cent, on property that had hitherto been exempt from it. In Gray's-inn, for instance—a society with which he was not connected—the chambers were not the property of the society, but of individuals, who had purchased leases of them from the society. The larger part of the Inner Temple, and a still larger part of the Middle Temple, was in the hands of individuals who had purchased chambers on leases for one or two lives, and who had hitherto received a fair rate of interest on their purchase-money. These extra-parochial places created no charge on the parishes to which they were contiguous. If they did create any charge, he had no objection to compel them by the Bill to provide for all persons reduced to distress within their boundaries. Now, in the case of Gray's-inn, which was extra-parochial, and contained property to the amount of 10,000*l.* or 12,000*l.*, was it fair to pass a clause of this kind, which would impose a tax of 3*s.* or 4*s.* in the pound on that property? What would be said if a law were passed inflicting a rate of 3*s.* or 4*s.* in the pound all over the country? Would it not be called a monstrous—he would not say a dishonest—piece of legislation? Would it not be to that extent a confiscation of property? However his hon. and learned friend might be pressed by parties out of the House, he could not pretend to call this proposition of his a proposition of justice. But why should this new tax be imposed upon this species of property? The property had grown up long before the enactment of the Poor-laws. He would also ask his hon. and learned friend whether he thought it fair, after having been beaten in the claim which he made upon Gray's-inn on behalf of the parish of St. Andrew's Holborn, to endeavour to reverse the solemn verdict of a Jury given against him by a clause of this nature? He thought that it was not, and he should therefore give his most strenuous opposition to the Bill.

Mr. *Littleton* hoped that the House would not look upon this clause as one merely affecting the Inns of Court. It affected the country generally. He thought that the hon. and learned Gentleman had not considered it fairly. He said, that these extra-parochial places ought to maintain their own poor. But the hon. Member said, that they ought to maintain the poor of the adjoining parishes. Now that went, as he thought, beyond the necessity of the case. He should be glad to support the proposition of the hon. member for Chester, which met, as he conceived, the evil of the case. This clause went far beyond the necessity of the case, and as such he should oppose it.

Mr. *Tooke* said, that he had no personal interest in the question, for he was a member of the Temple and a proprietor of Gray's-inn. His object in moving the clause was to render the system of Poor-laws uniform.

Mr. *Blackburne* said, it was a strange uniformity which the hon. Member wished to produce, when his own clause contained five exceptions to it.

Clause withdrawn.

Colonel *Wood* moved a clause authorizing the Justices of Peace assembled in Session to appoint a suitor for the poor in each county. His reason for making the proposition was, that the nine assistant-commissioners would have more business in settling the complaints of the poor than they could by any possibility accomplish. It also prescribed the mode of their election, but we were unable to catch the details of it.

Lord *Althorp* thought, that such a clause was quite unnecessary. He considered that a separate visiter in each separate county would not be wanted. If such a provision were necessary to assist the execution of the Bill, the mode of electing the officers proposed by this clause was not advisable. When the regulations of the Commissioners were published, it would be found, that no such violent changes as gentlemen expected would take place, nor would there be any difficulty in carrying the regulations into effect. The new arrangements would not require many persons to carry them into execution. The provision of the gallant Officer was unnecessary, and if it were necessary, it was by no means the best mode of effecting the object which he had at heart.

The Clause was negatived.

Mr. *Hodges* proposed a clause giving to the mayor and corporation of borough towns jurisdiction over the workhouses of such towns, in cases where the workhouse was in the parish, but not the corporate town. This clause, he said, was necessary to meet a set of cases, in which the parish being larger than the borough town, the borough Magistrates had no authority over the workhouse, because it was out of the borough whilst it was in the parish.

Lord *Althorp* said, that he could not consent to this clause at present, as he had not had sufficient time to consider its bearing.

The Clause was negatived.

Mr. *Cayley* proposed to leave out clause 60, and to insert the following clause:—"And be it further enacted, that from and after the passing of this Act, no settlement shall be acquired or completed by occupying a tenement, unless such tenement shall have been assessed, or have been liable to be assessed, to the poor-rate for one year, during the occupancy of the party claiming the settlement." He thought the adoption of this amendment would be for the relief of the agricultural interest.

Lord *Althorp* did not see any material difference between the clause in the Bill and that proposed by his hon. friend. He did not believe, that even under the clause proposed by his hon. friend any House under 10*l.* would confer a good settlement. The clause in the Bill as it stood did not alter the law as to giving settlement by occupancy. He only added to the existing law that the persons so occupying should be rated. His hon. friend's proposals was, that the houses should be rated. The clause which his hon. friend proposed would not effect the object which he had in view, nor would it give any advantage to the agricultural interest.

The Clause was negatived.

Sir *Henry Willoughby* proposed the insertion of a clause to the effect :—' that the powers of the Poor-law Commissioners and the Asssistent Commissioners shall not be exercised in any parish or township maintaining its own poor, in which relief is confined to the aged, to the orphan, to the maimed, to the lame, to the blind, to the idiot, to the lunatic, and to those who suffer from sickness, accident, or infirmity.

Lord *Althorp* said, that the power of inspection, even in well administered parishes, would not in his opinion, be a hardship. He was sure that the measure would not be a law of pains and penalties, as some had described, but that it would effect general good for the country.

Mr. *Hodges* also supported the clause. He wished to know from the noble Lord with regard to the power of inspection, whether it would be the duty of the Commissioners to include in unions all the parishes in England and Wales. If such should be the case, the Bill would really be a Bill of pains and penalties.

Lord *Althorp* said, they would do no such thing. The power was merely given to the Commissioners to unite parishes as might to them seem expedient.

The clause was negatived.

The Bill with the amendments, to be engrossed, and to be read a third time.

MERCHANT SEAMEN—REGISTRATION.] On the Motion of Sir James Graham the Merchant Seamen's Registration Bill was recommitted.

On the 3rd clause being put, which compelled masters of vessels, on clearing out of port, to deposit with the collector or comptroller of the Customs, a true copy of the agreement entered into with the crew,

Mr. *George F. Young* objected to the clause, on the ground that it would be impossible, from the nature of his duties on leaving port, for a captain to make out the required copy, in order to return it by the pilot. The hon. Member moved an Amendment to the effect, that all masters of vessels should have the option of delivering copies of their agreements with their crews either to the pilots on board, for the purpose of being transmitted to the Register-office, or to the consul or vice-consul at the first foreign port at which the ships touched.

Sir *James Graham* supported the clause, which he said, had been prepared with every view to the convenience of the shipowners and the masters of vessels. The hon. Member had failed to point out any inconvenience which would arise from the operation of the clause as it at present stood.

Mr. *O'Connell* said, the clause had been met by objections put forward by the chambers of commerce both of Belfast and Dublin. Those objections were, that ships frequently left port with only a portion of their crews on board, but completed them at other places where men could be obtained at a cheaper rate. Under such circumstances, it would be impossible for the captain on leaving port to make the return required of him; and though the alternative remained of his lodging it at the first port at which he might touch with the consul or vice-consul, yet the clause contained no provision to exempt the captain from the penalty imposed in case of the neglect of those officers to make the return to this country prior to the arrival at home of the particular ship.

Sir *James Graham* said, that the great object of the clause was, to protect the sailors from the liability when they entered for an outward and homeward voyage, of being left ashore on foreign stations, where other hands could be procured at a cheaper rate to work the vessel home, while the British seaman was left to perish from disease and other causes attendant upon foreign climates. From this system much injury was done to the men, and to prevent it was the object of this clause.

Mr. *George F. Young* said, that so far from the sailors being so treated, it was well known, that many secreted themselves in foreign ports in order to get higher wages for the voyage home. Indeed, to such an extent did this at one time prevail, that an Act of Parliament was passed, the object of which was, to limit sailors working home from a foreign port to double wages.

Admiral *Fleming* concurred with the right hon. Baronet (Sir James Graham) in condemning the present system, and which was well known by every individual who had visited the West Indies to prevail to a great extent. He should support the clause.

Sir *James Graham* said, that if time were allowed him, he could move for returns of documents which had been received from consuls abroad, which described scenes, especially in the Pacific, of a most heart-rending character, arising from the circumstance of sailors being left on shore and otherwise being most barbarously treated by the captains of vessels, and which documents would fully bear out his assertion.

The Committee divided on Mr. George Young's Amendment:—Ayes 35; Noes 47; Majority 12.

Several Clauses were agreed to. The House resumed—the Committee to sit again.

List of the AYES.

Attwood, T.
Barnard, E. G.
Blake, M. J.
Buckingham, J. S.
Chapman, A.
Cayley, Sir G.
Cayley, E. S.
Dillwyn, L. W.
Ewart, W.
Ewing, J.
Fitzsimon, C.
Gully, J.
Henniker, Lord
Hutt, W.
Jacob, E.
Johnstone, Sir J.
Lowther, Lord
Lyall, G.
Marjoribanks, S.
O'Brien, C.
O'Connor, F.
O'Connell, Daniel
O'Connell, J.
Pease, J.
Rippon, Cuthbert
Rumbold, C. E.
Ruthven, E.
Ruthven, E. S.
Sandon, Lord
Stewart, Sir M. S.
Sullivan, R.
Vigors, N. A.
Vyvyan, Sir R.
Wallace, R.
Williamson, Sir H.

TELLER.

Young, G. F.

POSTAGE ON NEWSPAPERS ACT.] The House in Committee on Postage on Newspapers Act.

Mr. *Vernon Smith* then moved, that a charge of 2*d.* be made on each British newspaper sent by packet to the colonies or foreign countries, and that there should also be a charge of 2*d.* on every foreign newspaper sent by post to this country. The hon. Gentleman stated, that the object of this Resolution was, to enable the Government to enter into arrangements with foreign countries with reference to the transmission of newspapers, so as to enable the Post-office to reduce the charges of postage for newspapers from those countries which admitted English newspapers on similar terms.

Lord *Lowther* complained, that a greater charge was made at the Post-office at Charing-cross for sending a Newspaper abroad, than was made at the General Post-office in the city.

Mr. *Vernon Smith* admitted, that such was the case. The main object of his Resolution was, to enable foreign countries to send newspapers to England almost free of expense, provided English newspapers were admitted to those countries on equal terms. He had another Resolution to propose, by which this ground of complaint would be got rid of; namely, by giving compensation to the clerks, so as to get rid of the fees now allowed to them by the conveyance of newspapers. He did not know how any arrangement could be entered into on other terms than those he had proposed.

The Resolution was agreed to.

Mr. *Vernon Smith* then proposed a Resolution to the effect that it was the opinion of the Committee, that the Postmaster-General be empowered to send by post certain stamped papers free of expense; and also that he be allowed to make compensation to the clerks of the roads and others now entitled to fees. It was considered but just, that compensation should be given to the clerks for the privileges that were to be abolished.

Lord *Lowther* regretted, that the hon. Gentleman was not prepared to go a little further towards breaking down the old system. He wished to know why there was such an enormous charge made for the postage of foreign letters? In consequence of this charge, letters from abroad were sent by private individuals, and every Ambassador's bag was filled with the private letters of those who had the least influence. In most foreign countries, the postage was not one half of the charge for letters from England as it was in this country for letters from the continent.

Mr. *Vernon Smith* knew, that the rate of postage for foreign letters was high in this country, and agreed that it was a fit subject for the consideration of the Postmaster-General to see whether a remedy could not be applied.

The Resolution was agreed to, and the House resumed.

General Moreno—Mr. Boyd.] Mr. *O'Dwyer* expressed a hope, that although at that late hour, (it was past two o'clock) the House would not object to receive the Motion of which he had given notice. The subject was one of very considerable importance, which deeply affected the honour and character of this country. His Motion was for documents relating to the conduct of General Moreno, who, it was well known, had invited the brave General Torrijos, and several of his companions to Malaga, and had there become the instrument of their destruction, and, what more immediately concerned this country, the destruction of Mr. Boyd, an Englishman. Moreno was now in this country, having recently landed on our shores, and for the character of the country itself, and for the future security of the lives of British subjects, some steps ought to be immediately taken to obtain satisfaction for this violent outrage. It was well known, that at the time of this transaction the British authorities in Malaga had strongly remonstrated against the assassination of Mr. Boyd, though, unfortunately, without effect. It could be proved, he understood, that Torrijos and his companions had been not only invited, but strongly urged by Moreno to come to Malaga. He had been informed, that there were at this moment, documents within reach of the Government, which would fully show the nature of the invitation that had been sent. There was one letter in which, as he was instructed to state, would be found these words—"We burn to join your glorious constitutional cause." This letter was from Moreno, and professed to speak the sentiments of himself and the people of Malaga. This letter, he understood, was at this moment in possession of a person connected with the Government. It would be for the noble Lord (Lord Palmerston) to make inquiry into this subject, for Government was bound to see the honour of the country asserted, and to bring, if possible, the murderer of one of its subjects to justice. He would move "An address for a return of the names of all male persons accompanying Don Carlos, the Infant of Spain, to this country, whose arrival has been notified to the Foreign Department: copy of all correspondence between the Foreign Department and the authorities of Spain, regarding the seizure, and putting to death of Mr. Boyd, a subject of his Majesty."

Viscount *Palmerston* had no objection to the hon. Member's Motion, but he would suggest to him an alteration in the latter part of it, making it rather for the correspondence of this Government with our Minister at Madrid, and also with the authorities at Malaga, on the subject of the detention and execution of Mr. Boyd. These letters, when produced, would speak for themselves. On one point he must say, the hon. Gentleman was mistaken and misinformed, and that was in supposing that he, or that the Government, was in possession of any such letter as that to which he had alluded, or even that he had ever read any such letter. The circumstances of General Torrijos's entry into Spain were well known. In 1831 General Torrijos went from this country, accompanied by several of his countrymen, with the intention of landing in Spain for the purpose of forwarding their own particular political views. They first got to Gibraltar, and their presence and object there becoming known to the Spanish government, a representation was made by that government to this country, remonstrating against an English garrison being allowed to harbour persons menacing with a hostile attack a country in amity and alliance with us. This Government felt, that our garrison ought not to be used for such a purpose, and the Governor of Gibraltar, as he had authority to do, took steps to find out the parties in order to prevent their making a descent on Spain from that place. Unfortunately, he was not successful in his search; he said unfortunately, for if they had been found they would have been placed on board a British ship, and thus the fate which they afterwards met would have been averted. The parties went from Gibraltar to Malaga, in pursuance of an invitation from some persons there, and an intimation that they would be kindly received. This was his belief. The moment they arrived at Malaga they were arrested, and an account was transmitted by Moreno to Madrid stating the fact. In five days after that, an order came from the Spanish government directing that they should all be shot. A claim was made on the part of the British authorities in behalf of Mr. Boyd, as a British subject; that claim was not recognized, and the demands transmitted by the British authorities were of no avail. The execution took place, and he believed, that in strictness, as far as the Spaniards were concerned, it was quite in accordance with the laws of Spain. As to Mr. Boyd, he was afraid, however they might lament his fate, that his death was justifiable according to the law of nations. Mr. Boyd was found in arms acting against Spain, acting against its authorities, in union with persons who were considered traitors to its government. This was not merely his own opinion, but that of persons much better qualified to form an opinion on the subject than he was. The remonstrances of Mr. Mark at Malaga, and of Mr. Addington, at Madrid, had been very strong to the Spanish government on the subject, but Mr. Boyd had ceased to exist before any intimation of the fact reached Government here. All the Ministers here could do, was to remonstrate with the government of Spain against the course it had pursued, and that had been done. The nature of the remonstrances that had been thus made would be seen when the papers were laid before the House. He hoped, after what he had stated, the hon. and learned Gentleman would alter his Motion, so as that it should include the documents to which he had just referred.

Mr. *O'Dwyer* had no objection to adopt the suggestion of the noble Lord, but he would beg to ask whether, since the arrival of Moreno in this country, any reference had been made to the Law Officers of the Crown as to whether any and what mode existed of bringing that man to punishment.

Viscount *Palmerston* said, that he had directed such reference to be made for the satisfaction of the public feeling on this subject, but though he had adopted that course, he himself had very little doubt what the nature of the answer returned would be.

Mr. *Cuthbert Rippon* said, that there was a letter in the possession of an individual at this moment in this country, addressed by Moreno to General Torrijos, in which the words referred to by the hon. and learned Gentleman, "I burn to join your constitutional expedition," occurred. He was ready to put this letter into the hands of the noble Lord. Now, after this fact, could the noble Lord hesitate to go into an immediate inquiry for the purpose of ascertaining how far the country could receive satisfaction for the outrage committed on one of its subjects?

Mr. *O'Connell* was sure, that the law of nations would not permit that a man who was in our power, who had enticed a British subject into his hands and then cruelly murdered him, should be suffered to escape with impunity. In the law of nations some provisions must exist, and no doubt did exist, to punish the subject of one country for the murder of the subject of another. It would not permit that a monster of this kind should be suffered to escape, and he was sure that every good man would rejoice at seeing a murderer of this description brought to justice.

Viscount *Palmerston* said, the question was, whether Mr. Boyd was placed in such a situation as that he could be protected by the law of nations? Was an enterprise which had been previously undertaken against Spain, but which had been accelerated by the acts of others—he would not say how fairly—was not that, he would ask, such a circumstance as took the case of Mr. Boyd out of the protection of the law of nations? He could not think that that law could be construed to afford protection to an individual circumstanced as Mr. Boyd was.

Mr. *O'Connell* thought, that if an agent of a foreign government enticed a British subject into his power, and then put him to death, there must be some law which would reach an act of that kind; and if so, our Government ought at least, now that this monster was in its power, to put the question into a train of judicial investigation. Language was not strong enough to express the feelings of detestation which every man must have for atrocious perfidy of this kind; and yet this wretch had polluted the Press of this country by his name affixed to an attempted vindication of his horrid deed. He must repeat, that he did think this was a case to which the law of nations would apply, and he hoped, therefore, that the noble Lord would take steps for having an opinion on the subject from proper quarters.

Viscount *Palmerston:* I have done so.

Mr. *Hutt* said, he had known the brave General Torrijos intimately, and he was aware of the cruel treachery by which he had been invited to Malaga, and there betrayed by the blood-thirsty Moreno. He knew that the General and his companions were sacrificed to the blood-thirsty ambition of that cruel tyrant, who had made their bodies the steps by which to ascend to power and favour under the Spanish government. If that man were now in this country, if he were in our power, he ought not to be suffered to depart until some means had been tried to bring him to justice. Human nature recoiled at the cold-blooded atrocity of inviting a man under the mask of friendship and attachment to a meeting that he might be lured to his destruction, for the mere selfish purpose of personal advancement. If then, he repeated, there were any means by which this dastardly and blood-thirsty coward could be brought to justice, he hoped the noble Lord would not fail to have recourse to them.

The Motion agreed to.

* * *

HOUSE OF LORDS,

Saturday, June 28, 1834.

Breach of Privilege — Morning Post.] The Order of the Day was read, on the Motion of Earl Grey, and Thomas Payne, the printer of the *Morning Post*, was called to the Bar. Mr. Payne was questioned at some length; but as he stated, that he was only the publisher, and neither the printer nor the editor of the paper, and that Mr. Bittleston was the editor; he was ordered to withdraw.

The *Lord Chancellor* felt sorry to detain their Lordships by stating what was quite clear and evident. After what he had heard from the person at the Bar it seemed impossible to press the Order of the House against him. The rules of their Lordships' House on such occasions showed, that they had a right, strictly speaking (on the admission of the party that he was registered publisher at the Stamp-office), to visit upon him the consequences of the offence. Upon that admission he was responsible by the law of Parliament and by the law of the land. He would be responsible in an action at law, responsible upon a criminal information, and responsible upon an indictment; and he was responsible to that House for a breach of its privileges by the laws of Parliament, which were in fact a part of the law of the land, as far at least as they were recognized by the laws of the land. The offence was cognizable by the House whose privileges had been violated; but it was a matter of discretion whether their Lordships should think it just or advisable to visit on this individual the punishment due to the offence that had been committed. It clearly appeared, that technically speaking, this was the guilty person, whilst morally speaking, he was not guilty. He did not interfere in any manner or way whatever with the articles that were published in the paper. He neither could put an article in or keep it out. He could not alter or modify it; and it appeared by his own statement, that he did not always even read the paper after it was published, so that he was in point of fact probably more ignorant of its contents than the general body of its subscribers or purchasers. It was evident that he possessed no power of control, no privilege of advice, no privilege of Counsel, no discretion, no permission of giving an opinion, no means of information; in fact, that in no one way whatever did he interfere; and therefore he would at once submit to the House, that Mr. Payne be discharged from custody. He had not wished to urge anything further on the attention of their Lordships, but he was bound to mention what he could not but consider a very extraordinary course that had been pursued by the journal in question. After a breach of privilege of that House of so gross and flagrant a nature, it could not but be deemed a very gross thing for the paper to aggravate its offence in the way it had done, by repeating its conduct even whilst its responsible agent was under the summons of the House. He had stated only yesterday, in the most distinct, unequivocal, and positive manner, that as Counsel in the case of Solarte *v.* Palmer, he had never advised that any appeal should be made to their Lordships' House. He had clearly shown, that it was an absolute impossibility that he could have given any such advice, for the cause had been decided six or seven months after he had left the Bar, and become the chief functionary to whom the appeal was to be made. Notwithstanding this clear and positive denial, the same party had repeated the charge that he had advised such a course as Counsel, and that he had afterwards reprobated it as a Judge. He had never blamed the appeal to the Judges in the Exchequer Chamber. He had never said one single word, or given by any means one single intimation, that could be construed into a disapproval of that course. All that he had blamed was the appeal to their Lordships' House after the decision in the Exchequer, which was, in point of fact, nothing more than to bring the Judges from one side of Westminster Hall to the other to go over the same case, at a very great expense to the parties concerned. Probably an ignorance of the law, conjoined to an ignorance of the truth, might have caused that misconception which had been the grounds of such an unjustifiable attack on him. He did not wish to say one word, except what he deemed necessary to his defence, and he had now only to move their Lordships, if his noble friend (Earl Grey) did not object, that the individual be discharged from custody.

Earl *Grey* had no objection whatever to the individual being discharged, inasmuch as it appeared, that he was only a man of straw, who, as his noble and learned friend said, was legally subject to the consequences of the offence, but not morally responsible, and, considering the whole case, he imagined that their Lordships would not think him a fit person to be visited with punishment by that House. But there was another point which demanded the serious attention of their Lordships. Whilst he had no objection to adopt the recommendation of his noble and learned friend, he could not but feel that their Lordships would not be discharging their duty if such a breach of the privileges of that House was to be permitted to pass off with impunity. The person who attacked the official and personal character of the noble and learned Lord on the Woolsack, and outraged the dignity of the House, openly stated his consciousness that he was committing a breach of its privileges, and he challenged the House to assert its dignity. He acknowledged that he was fully aware, that he was committing a breach of privilege, and he had repeated the charges without taking one single step to ascertain whether there was any foundation whatever for them. This was an offence in every respect of the most aggravated nature, and it was impossible, that their Lordships could pass it over. On his own part he felt it impossible to allow such conduct to be repeated with impunity, unless by sacrificing the dignity of the House and the character of its Members, As the person at the bar had given to the House the name of the real editor of the Paper, who had precognition of the articles that appeared in the publication, and who possessed a discretion as to their insertion or rejection, he maintained, that the House would not be doing its duty, unless it called for the attendance of that person at the bar. In the first place, he would assent to the motion of his noble and learned friend; but, that motion being disposed of, he should move "that Thomas Bittleston be ordered to attend at their Lordships' Bar on Monday next, to answer for his offence."

Lord *Wharncliffe* could have no objection to this proceeding; but could not refrain from drawing the attention of their Lordships to the conduct of other parties concerned in misrepresenting the noble and learned Lord. He alluded to the assertion, that the noble and learned Lord at one time advised that an appeal should be made to the House. The solicitors in the case, in a letter which they published in one of the newspapers, contrived to mislead the public. He could not acquit the solicitors of improper conduct when he read the letter that was recently published in the Papers. On referring to that letter this morning, he found that it stated, that the noble and learned Lord did, in point of fact, advise an appeal to this House. Now, that statement had been clearly proved to be contrary to fact, and he therefore thought that it was impossible for the House to be satisfied by merely bringing the editor of this Paper before the House. Their Lordships must mark their displeasure upon other parties.

The *Lord Chancellor* had the greatest possible respect for the noble Lord, but really could not agree in the propriety of the course which he had recommended. He thought it his duty to make some remarks upon the conduct of those professional men (and it was always with pain that he did so), and they were naturally much hurt at those animadversions. This might form their excuse. He therefore begged, as a personal favour to himself, that this part of the case might not be pressed. He threw himself upon the House.

Lord *Wharncliffe:* Gross as the libel is, directed as it is against the highest judicial functionary in the country (and therefore the more dangerous), yet I should be sorry if the editor were the only party who was brought to account. I have already stated my reasons.

The Earl of *Radnor:* My Lords, I feel it my duty to state,—and I do so on very good grounds,—that the fault referred to does not rest with the solicitors. I was present when the appeal was before the House, and I heard one of the learned Counsel at the Bar state that very circumstance which has been held up as a libel against the noble and learned Lord. The learned Counsel most distinctly stated, that the noble Lord recommended at one time, that an appeal should be made to the House of Lords. The misrepresentation, therefore, does not rest either with the solicitors or with the editor of this Paper. The learned Counsel went out of the way to make that statement. The printed paper put on the Table of the House gave an unfair representation of its decision. This is a thing of which I maintain the House has the greatest reason to complain. Lay Lords are liable to be deceived by it. The noble and learned Lord on the Woolsack, the noble and learned Lord who has presided over the Court of Common Pleas, the noble and learned Lord who now presides as Chief Baron of the Exchequer, and other learned Lords, may have an opportunity of sifting such causes, and understanding what is their real nature; but, by the theory of the Constitution, the lay Lords of this House are as much Judges in these cases as any learned Lords whatever, and yet they are liable to be misled by the printed papers giving an unfair representation of decisions. Although every lay Lord will pay all deference and respect to learned Lords in proceedings on such cases, yet, in some degree, every lay Lord must act upon his own opinion, and how can he do this when a Counsel at the Bar gives an unfair opinion, and when the papers on the Table of that House give unfair, yes, unfair, representations of decisions?

Lord *Lyndhurst:* I think, that the noble Lord has totally misapprehended what fell from the learned Counsel referred to, and who is also a Member of the other House of Parliament. I believe, that learned and eminent Counsel did not state that the appeal had been recommended by the Lord Chancellor. I believe that he stated, that the Bill of Exceptions had been recommended by himself, Sir James Scarlett, and the noble Lord on the Woolsack. It was to that proceeding that the learned counsel referred. I think, that before the noble Lord made a charge of such a nature against the learned Counsel, a charge founded on his own individual opinion, he should have taken some steps to ascertain the fact with accuracy. I am sure the learned Counsel never expressed himself in the way which he is said to have done. I do not think, that the noble Lord intentionally misrepresented what fell from that learned Counsel; yet as a lay Lord, and likely to fall into error respecting what a barrister said, I do think that he should have taken care to ascertain the accuracy of the statement before he made such a charge.

The Earl of *Radnor:* My Lords, I am perfectly convinced that I labour under no misapprehension whatever. I had never heard of the case before. I had no knowledge of its existence, and I could have no feelings, nothing in my mind, to lead me into error or misconstruction. The learned gentleman who said this to me, said it most clearly to my understanding, and with reference to the costs of the proceedings having gone by compromise. He had added, that no barrister ought to recommend an appeal to this House, and act as the Lord who was to give the judgment on the reference. This, my Lords, was my clear and distinct understanding at the time. I went away with this impression, and nothing that I have heard since is of a nature to alter it.

The Duke of *Wellington:* I apprehend, my Lords, that the question before the House is, whether a certain person shall be ordered to attend at the bar of the House to answer for a breach of privilege which he has committed. The observations made by the learned Counsel respecting the conduct of the noble and learned Lord have nothing at all to do with the case. Supposing it was true, that the noble and learned Lord had advised that an appeal should be made, whether it be true or not, still I do not see what we have to do with it. It is no libel on the learned Lord to say, that at the bar he advised an appeal of which, when he had formed a more mature judgment, he could not approve. He might have thought proper to animadvert upon the appeal, and to affirm it with costs, although he had when a barrister, and in a situation so essentially different, advised that very appeal. That can be no excuse for libelling the noble and learned Lord, and interfering with the privileges of this House.

It was ordered, that Mr. Payne be discharged, and that Thomas Bittleston attend here on Monday next.

* * *

HOUSE OF LORDS,

Monday, June 30, 1834.

MINUTES.] Petitions presented. By the Duke of WELLINGTON, Earl CAWDOR, and Lord ROLLE, from a great Number of Places,—for Protection to the Established Church, and against the Separation of Church and State.—By Earl CAWDOR, from certain Individuals, in favour of the London and Westminster Bank Bill.

BREACH OF PRIVILEGE—MORNING POST.] Mr. Bittleston, the editor of the *Morning Post*, in obedience to the order of their Lordships, appeared at the Bar;

and the Lord Chancellor, having cautioned him that he was not bound to make any answer which might tend to criminate him proceeded to put the following among other questions to him :—

Q. Were you the acting editor of the *Morning Post* last week—on Thursday and Friday last week, for instance?

A. I was.

Q. In consequence of your situation as the acting editor do you see the matters published in the paper before they are inserted?

A. I do.

Q. Before they are printed?

A. Yes, before they are printed.

Q. Have you the power of inserting, rejecting, and altering articles for publication in that paper?

A. I have.

Q. Do you know the leading articles, those that are in larger characters and wider lines? Did you see those articles?

A. Yes.

Q. Did you read them?

A. I did.

Q. Could you have suppressed or prevented their being printed?

A. I could.

Q. Were those articles inserted by your authority?

A. They were.

Q. Now, have you anything to say respecting the article in the *Morning Post* of Friday which the House has thought proper to declare a gross breach of the privileges of this House? You are aware of the vote of the House I suppose?

A. I am.

Q. Was that article—and for the third time I caution you that no one can injure you; it will be no contempt in any way if you refuse to answer the question I am about to put—did you write that article, or get it from any other person?

A. I object to answer that question.

Q. Very well. Do I understand you to say—mind I do not blame you—that you decline giving any further information, not only as to who is the author, but as to the hand from which you received it?

A. I respectfully decline giving any further information, excepting that I admit my responsibility for the article.

Q. That is a conclusion in law; but you decline answering the question?

A. I do.

The *Lord Chancellor:* Before any other Peer puts any question to you, I ask you whether you have any thing to state to the House respecting the article upon which the House has expressed an opinion, with a view to alter that opinion, which you may be able to do, notwithstanding the vote of the House; or if you have anything to offer in extenuation of the offence?

Mr. Bittleston: I thank your Lordship for the permission you have given me to address you in extenuation, but, as in the painful novelty of my present situation, I cannot trust to my own self-possession, I hope I may be indulged in the liberty of referring to written memoranda.

The *Lord Chancellor:* (concurrently with several Peers)—Certainly. Perhaps it would be more advisable if any other Peer has any question to put that it should be put before the gentleman proceeds with his address.

Earl *Grey:* I find in the paper the following passage:—

"The *Morning Herald,* which contains the fullest report of Lord Brougham's speech in moving the judgment of the House of Lords upon the case, states that Lord Brougham concluded in these words:—"I move, my Lords, that the judgment of the Court below be affirmed, with costs not exceeding 350*l.*" And the *Morning Herald* proceeds to tell us that the judgment of the Court below was "affirmed accordingly."

"The *Morning Herald* is not alone. The solicitors, the short-hand writers, the Peers, all concur in asserting that Lord Brougham moved, "that the judgment be affirmed," and that the judgment was "affirmed accordingly."

Now, I wish the witness to be asked if it is meant that the information here alluded to was furnished by certain Peers?

Mr. Bittleston—I do not understand it so.

The *Lord Chancellor:* Do you mean that you do not think that is the meaning of the passage?

A. I am sure it is not the meaning of the passage.

Earl *Grey:* You say, that the meaning is not that it was founded on the information of Peers?

A. I am sure that is not the meaning.

Earl *Grey* concurred entirely in the propriety of the practice of cautioning persons under examination that they were not under the necessity of answering any questions tending to criminate themselves. It appeared, however, to him that the person at the Bar could say nothing that could criminate himself more than what he had already stated. He admitted that he was the editor, that he had the general superintendence of the paper, and directed the publication of all the articles that appeared in it; that he had the inspection of all, and approved, rejected, or inserted at pleasure. He had further admitted that he was fully responsible for the publication; and it did not appear to him that the House could desire further information to criminate the individual at the Bar. Under these circumstances he wished to put it to the House whether this individual could claim the benefit of the rule of exemption, upon the ground of not criminating himself, and refuse to answer the question as to whether he received the article, voted by their Lordships a breach of privilege, from any other person, and from whom.

The *Lord Chancellor* admitted, that his noble friend had, as he always did, very fairly submitted the question to the consideration of their Lordships. He differed from his noble friend; and it was his duty to give their Lordships his opinion as a lawyer, which he did with all possible deference and humility. If he could see that the answering this question could not tend to criminate or injure the witness, he should say that his protection was at an end, for it was clear he could not refuse to criminate another, although he was himself protected. No person was protected there or in the Courts of Law from disclosing the authorship of others. Although entitled to protection for himself as a witness, no individual was entitled to extend that protection to another. Now, if their Lordships would attend to the tendency of the course of examination proposed by his noble friend, they would see that the witness would be entitled to claim exemption. The witness had avowed his responsibility. *Quoad hoc*, then, he was answerable and punishable, and no disclosure of any other party's culpability would relieve him, for his hand had given the article to be printed. But there were two things to be determined: first, whether the party at the Bar was guilty or not guilty; and next, what ought to be the amount of punishment. Now the question proposed by his noble friend could not be answered either one way or the other without bringing the witness within the scope of the second head of inquiry, viz., what amount of punishment was to be inflicted upon him? For, suppose he answered the question by stating that he alone was concerned in composing the article in question, suppose he said that he himself wrote it, that would be an answer in aggravation of punishment, for he would avow himself to be the uninstigated author of a deliberate and wilful act in violation of their Lordships privileges. If, on the other hand, he disclosed the names of one or more persons as partners with him, then would his conduct fall within another description of offence. He would then stand at the Bar of their Lordships' House as having confessedly conspired with others to violate their Lordships' privileges, and conspiracy was always an aggravation of every offence. The mildest form of that offence, in the present case, would be that the individual at the Bar had printed what another had written; but even that would be a grave offence. If the witness said, that he had written the article it would be an offence, and punishment must follow; but if he said, that he had partly composed it with another, then he would appear as having embarked in a conspiracy with another wilfully and scandalously to violate their Lordships' privileges. The mode of further examination proposed by his noble friend was not such as ought to receive the sanction of their Lordships. If his noble friend, however, thought fit to ask if A. B. gave the article in question to the witness, that was a different matter, and that question the individual at the Bar could safely answer. But that was not the nature of his noble friend's question.

Earl *Grey* was in candour bound to state, that he was not convinced by the argument of his noble friend that the course of examination he had proposed was not such as he might with propriety follow. The person at the Bar having avowed his responsibility for the article which had appeared in the paper of which he was editor, he merely wished to ask him who was the writer of that article, and he could not see, that the question of conspiracy could be brought into the matter at all, in the event of the answer being that he had received it from some other person. He would not, however, persevere in putting a question which his noble and learned friend had stated to be an improper question.

The *Lord Chancellor* feared he had been ill understood. There was a difference between the conspiracy of two persons to commit an offence, and the commission of that offence by concert between two or more individuals. If his noble friend asked whether John Nokes gave the particular article complained of, and the answer was in the affirmative, that would not prove a conspiracy. It would be no conspiracy according even to the technical, refined, and subtle definition of conspiracy that one man printed what another wrote. But the case would be very different if two or more persons laid their heads together to compose a calumny to the injury of another.

Earl *Grey* observed, that the question

he proposed was, whether any other person gave the article in question to the individual at the bar.

The *Lord Chancellor* contended, that in whatever way the question could be answered the same result, that of making the situation of the witness worse, must be the consequence.

Mr. Bittleston addressed their Lordships as follows :—

My Lords—I trust I may be allowed, in the first place, to state to your Lordships, that I have been advised that since I am not entered at the Stamp-office as in any way connected with this paper, I might with safety have declined to answer any questions put to me to-day. But it seems to me, my Lords, that I best show how little I have been influenced by any malignant motive when I come forward to give to your Lordships all the information which I can give, consistently with my duty to my employers—justifying where justification is possible, apologising where apology is manifestly due, and professing my readiness to submit to punishment where no justification can be attempted, and no apology received.

My Lords—I cannot for a moment dispute, that a breach of the privileges of this House has been committed, because I know that any mention of the proceedings of this House in a newspaper is a breach of those privileges. But I trust that the observations which the indulgence of your Lordships allows me to address to you will, in some respects, materially alter your impressions as to the nature and extent of the offence.

My Lords—The paper which your Lordships have pronounced to be a libel, contains two allegations respecting the noble and learned Lord on the Woolsack. The first allegation is, that as a Judge he has reproved and punished parties for following a course which, as counsel, he recommended. The second allegation is, that upon the discovery of this circumstance, an improper interference took place in the entry of the occurrence upon your Lordships' minutes. I beg to remark separately upon these two allegations, because the defence which I shall respectfully offer as to one of them would be wholly inapplicable to the other.

Beginning, therefore, my Lords, with the first allegation, that which imputes to the noble and learned Lord the condemnation of the course he had himself advised, I beg to recall to your recollection the case upon which the allegation is made. The case of Solarte *v.* Palmer was tried before Lord Tenterden in the year 1828. It was afterwards taken by a Bill of Exceptions into the Exchequer Chamber;—and finally brought by a writ of error before your Lordships.

My Lords—It was always perfectly understood, that when the judgment of the Exchequer Chamber was pronounced upon the Bill of exceptions, the noble and learned Lord occupied the situation which he now occupies; and it never was suspected or insinuated, that the noble and learned Lord on that occasion advised an appeal to your Lordships against that judgment.

But, my Lords, it was asserted, that at the trial in 1828, in which the noble and learned Lord was concerned as Counsel, Lord Tenterden clearly expressed his opinion, that the point raised was so doubtful, and the sum disputed so considerable, that the question ought to be brought before the highest tribunal in the country, by which he can have meant no tribunal but this House. And it was further asserted, that the noble and learned Lord at that time, and on that occasion, testified his perfect acquiescence in the opinion so expressed by Lord Tenterden. The course, my Lords, pursued by the parties was, as I am instructed, the only course by which they could, in compliance with the opinion of the Chief Justice, and the advice of their Counsel, bring the case before this House.

My Lords—The fact that the noble and learned Lord did on that occasion testify his acquiescence in Lord Tenterden's opinion was not first stated in the *Morning Post.* It was stated in other papers, and by the solicitors for one of the parties in the cause, who vouched, by the addition of their names, for the truth of their assertion. Before the statement was repeated in the *Morning Post,* every effort was made to test its accuracy. The shorthand writers' notes of the original trial were referred to. The impression on the mind of the eminent counsel who were employed with the noble and learned Lord was ascertained. My Lords, after making every inquiry, there seemed no reason to doubt that the fact was as it was stated to be.

My Lords—I understand that it has been urged in aggravation of the offence, that the truth of this statement was re-asserted after the noble and learned Lord had denied it. In the re-assertion of it, there was not the most remote purpose of imputing a wilful suppression of the truth to the noble and learned Lord; and I very humbly hope, that your Lordships will not find anything in the paragraph referred to, which demonstrates such a purpose. It was imagined from the first, that the noble and learned Lord, when he moved the judgment of your Lordships, did not recollect the opinion he had formerly expressed as counsel in the cause. It appeared, that in moving the judgment of your Lordships, the noble and learned Lord treated the point raised as one of clear and indisputable law, without any allusion to the circumstance that he had formerly concurred with Lord Tenterden in a very different view of it. It appeared also, that the noble and learned Lord assumed the case to be entirely and absolutely governed by the precedent of Hartley *v.* Case, without any allusion to the circumstance, that Lord Tenterden had suggested the reference of the case to the highest tribunal in the country, expressly that the precedent of Hartley *v.* Case might be reconsidered by your Lordships. These circumstances, my Lords, induced a belief, that the memory of the noble and learned Lord was inaccurate in this particular. Confidence was placed rather on the notes of the short-hand writer, and in the recollection of other individuals concerned in the cause. My Lords, I most respectfully submit, that a suggestion that a noble and learned Lord does not distinctly remember in 1834, all that happened in one of the many causes which engaged his attention in 1828, even if it can be construed into a breach of privilege, can scarcely be held a very malignant libel; and I am bound to say, however reluctant I may be to incur your Lordships' further displeasure, that I have not yet seen reason to alter the opinion which, upon such testimony as I have described, I could not hesitate to form.

My Lords—I have dwelt thus long upon this allegation, because I should regret much to be supposed to have wantonly aggravated my offence by a repetition of it, after it had attracted your Lordships' notice. I humbly assure your Lordships that, in re-asserting my belief in the statement which had been made in other papers and transferred to the *Morning Post*, I had no suspicion that I was repeating any part of the offence of which the noble and learned Lord had complained.

My Lords—It had appeared to me that the second allegation in the paper before you—the allegation that the minutes of your Lordships' House had been garbled—was the allegation which had subjected me to the displeasure of your Lordships.

My Lords—I shall say little upon this point, because I am aware that it is impossible to justify what has been done. I had information from an informant on whom I could perfectly rely, that a judgment had been 'affirmed' by your Lordships, and that it was entered as 'postponed *sine die*.' I confess it did not occur to my mind that any existing usage of this House, could by possibility reconcile the discrepancy between the fact and the record. If such an idea had occurred to me, I should have undoubtedly made further inquiry before I suffered myself to suppose that the minutes of this House had been garbled. But having ascertained the correctness of the facts, I thought the inference drawn followed of necessity from them. My Lords, I understand that the facts are actually true; that the printed minute of your Lordships' vote differs from the written minute; and that neither the printed minute nor the written minute records correctly the vote actually passed. I am informed further, my Lords, that the facts by which I was misled, misled also many of your Lordships; and that the inference which I improperly drew seemed to some of your Lordships the only inference that could be drawn. To the noble and learned Lord I have already tendered the apology, which is the only atonement I can offer him for my attack upon his character; and I desire to express to your Lordships the sincere regret I feel for the violation of your privileges, which that attack involved.

My Lords—I have already trespassed long upon your Lordships' time. But I beg to be permitted to say further, that I have been for many years in various situations connected with this paper, and that during that time I have so conducted myself as to fear no inquiry into the motives by which I have been personally influenced. Since I have had the exclusive responsibility of the *Morning Post*, that journal has been severe in its strictures upon the public character of public men; but it has never violated, by calumnious scandal, the sanctity of domestic life. It has frequently urged direct accusations against many individuals which might be met and disproved; but it has scrupulously avoided dark innuendo and ambiguous insinuation. In the very example before you, the distinctness with which the facts are stated, and the inferences drawn, is surely a proof that the facts were believed to be true, and the inferences supposed to be correct. And, my Lords, whatever may be the legal interpretation of the offence for which I now await the censure of your Lordships, I trust I may without presumption remark, that it is not possible you can attribute a desire to infringe your privileges to the conductors of a journal in which those privileges have been uniformly supported with humble ability, indeed, but with conscientious zeal."

The *Lord Chancellor* wished to say a few words to their Lordships before they proceeded to take any steps with regard to the individual who had just addressed them, who, of course, was supposed to have withdrawn. As few of their Lordships were acquainted with the course of the proceedings in appeals, he was anxious to state that the attorneys in the cause on the losing side, had put into the hands of the individual at the Bar a letter which was calculated most grossly to mislead. He (the Lord Chancellor) could not believe that Lord Tenterden had doubted at all in the matter of "Hartley *v.* Case." That decision in that case had never been doubted by any Judge, and it was the decision of Lord Tenterden himself. What probability was there then of his having doubted it? He argued it, and Lord Tenterden gave judgment for himself and all his learned brethren. It was not the practice of that noble and learned Lord to call for the re-consideration of a case involving no principle, but merely a question of practice. Supposing, however, that it was true that that noble and learned Lord recommended the reconsideration of the case, that was not after it had been argued in the Exchequer Chamber. If it had come at once to that House upon the recommendation of the noble and learned Lord, should he have visited the party with costs? Certainly not. The reason of his indignation, and which he still felt, was, that a vexatious, unnecessary, and most costly writ of error was brought into that House, after the opinion of the Exchequer Chamber was given. Not satisfied with the opinion of all the Judges who decided the matter in the Exchequer Chamber, and upon the authority of "Hartley *v.* Case," which was directly in point, the parties insisted upon coming to that House; and for what? For the purpose merely of having the same Judges, who had all unanimously, unhesitatingly, given their opinion in the Exchequer Chamber, step across the Hall, after two years delay and a great expense, to repeat their opinion. And this the gentleman at the Bar, who was evidently a very acute man, with all the attention he had given to the subject, could not see. He could not see that the only result of the proceeding would be, that the learned Judges would step across the Hall to deliver the same opinion in that House that they had delivered elsewhere two years ago. If the object of the appeal had been, to obtain a reversal of any judgment in Chancery it might have been a different thing; but who could not see the absurdity of expecting that the learned Judges would one day entertain one opinion and the next day another, and that upon a matter of every-day common law practice? That part of the matter, therefore, was wide of the question, and had nothing whatever to do with it. He could not help remarking upon one statement which he had heard from Mr. Bittleston with great astonishment. He had told their Lordships that he was misled by the entry upon their minutes; but why suppose that the Speaker of that House had garbled the minutes? That construction surely was an uncharitable one, another being open. But, not content with that false construction, he said that many of their Lordships fell into the same error. He and the Lord Chief Justice had heard Mr. Bittleston so express himself, and he thought he ought to have an opportunity of explaining if there was any ground for doubt on the subject. If he had said so, it was supposing that some of their Lordships were not only uncharitable, but that they were not very wise. He would explain how this was. Mr. Bittleston said that he must have garbled the minutes, and that some of their Lordships were of the same opinion upon the same facts. Now, the same persons, if they saw one of their Lordships with another's hat, would conclude that that noble Lord had been guilty of larceny; but in his case the conclusion was much more illogical, more foul, slanderous, and uncharitable. Mr. Bittleston told them that because the minutes did not appear to him to correspond with the acts done by their Lordships, he was led to imagine that the Lord Chancellor had been guilty of the baseness of garbling the minutes. He wondered it had not struck the author of this composition, that of all the follies man could commit, none could be equal to that imputed to him, for the judgment was delivered not only before several of their Lordships, but in presence of the parties in the cause against whom the decision was, and whom he had severely censured. Most wicked men, he thanked God, were foolish; but here would have been such a mixture of folly, meanness, and wickedness as it would baffle the keenest ingenuity to say which predominated. With these observations he would leave the matter in the hands of their Lordships.

Lord *Denman* said, that it was with the greatest reluctance, he rose to address their Lordships; but he was induced to do so because this question was one of very great importance, especially with reference to the administration of justice in that House, and in every court throughout the country. If the offence against their Lordships' privileges—an offence which had been proved—was lightly passed over, there was not a judge in the land who could feel that he had any protection against the foulest and basest calumny which it might please any interested and disappointed party to pour upon him. God knew that all persons in official situations were sufficiently exposed to such malicious attacks! God knew that there was too prevalent a feeling in society, arising from various motives,—from disappointed interest, from defeated speculations—to raise an outcry against those who presided in courts of justice. There was, and it grieved him to state it, a disposition to decry individuals who filled high situations, although the charges advanced against them by disappointed and unprincipled men, rested only on the loosest rumour. This was the course pursued from the abandoned renegade down to the money-making libeller, who sent forth his daily venom against those who ought to be respected and revered. He believed that there was no Judge in or out of that House who wished unnecessarily to call for any summary proceeding. Everything in the nature of a contempt, the Judges had it in their own power to punish. Thus far they could protect themselves. But he hoped that they would always feel that their best security was to be found in the upright character which they maintained, and in the honourable course of conduct which they pursued. In the same manner, if any of their Lordships body were made the subject of even severe observation, he for one would be anxious, if it were possible, to pass it over. He said this, because he felt that there would be no safety for the liberty of the press if a very nice and critical feeling should be exercised with reference to observations on the conduct of public men. This, however, was a most peculiar case; and he begged their Lordships to consider in what situation those individuals who were most liable to attack would be placed, if they permitted the most groundless and the foulest abuse to be poured on them with impunity. In this instance, the charge was one of the foulest which could be imagined, at the same time that the circumstances to which it referred were ludicrously trifling in themselves; but, trifling as they were, they became matters of vast importance when they were made the foundation upon which virulent attacks, levelled at those individuals who acted judicially in their Lordships' House, were founded. He wished, for himself, to know in what situation he should be placed hereafter if his motives were to be impugned, as those of his noble and learned friend had been? He should wish to know in what situation he should stand if, at some future time, some unknown individual should impute falsehood and forgery to him—falsehood and forgery perpetrated in the course of his judicial career? Was such an attack to be suffered to pass by unnoticed? He knew that the power which their Lordships had in their hands was, at the best, an insufficient, an invidious, an unsatisfactory kind of protection; but their Lordships would permit him to say, that it was the only remedy which they possessed. As to the case immediately before them, he was astonished that blind malignity and vile party spirit could have worked any person up to cast forth such an imputation as had been cast on his noble and learned friend. Good God! was there ever such a miserable attack as that which had been thus sent forth against his noble and learned friend? It was stated, that he had given to the Lord Chancellor some hint on the case when it was under consideration. It was asserted that he insinuated certain doubts on the question. When he read the case some time ago, he candidly confessed that he thought there was a room for doubt. With a faded recollection of the case, he came to his learned friend, and he believed he said that the case might have been decided either way. But was the *Morning Post* present? Was the observation of the Chief Justice of the King's Bench to the Lord Chancellor to be reported by somebody who thought proper to listen? If he were to be thus reported, it ought to have been added, that he had approved of all that had been done, and that his opinion had been completely altered before he left that House. He was now quite certain that this case could not properly have been otherwise decided than it was. Unless he had it under the hand of Lord Tenterden himself, or from some one upon whose authority he could implicitly rely, he would not believe that Lord Tenterden ever entertained any doubt on the subject. That noble and learned Lord had decided another case on exactly the same grounds. The fact was, that no principle was involved in this question: they all knew, that when a Bill was dishonoured, it was necessary to give due notice to the party who was liable; and in this case the whole point at issue, was the construction to be put upon a letter from Solarte to Palmer, the parties in the case. Now, was it because this case was removed from a Court of Law and brought before the twelve Judges in the first instance, that costs were awarded to the amount of 350*l.*? No such thing. It was because, after the opinion of the Judges had been received in the Exchequer Chamber, the same opinion came from the same parties in that House. There was no point of law in the case; the thing was perfectly clear, and that Lord Tenterden wished it to come before that House he totally disbelieved. What Lord Tenterden stated with respect to going before a superior Court did not alter his opinion on that subject. He knew that it was very common for Judges to say, even when they felt no doubt whatsoever with respect to a case, "If you are dissatisfied with my decision, you may take this case to a higher tribunal, if you please." Lord Tenterden had said this, and the case was taken to the Exchequer Chamber. There Chief Justice Tindal gave the unanimous opinion of all the assembled Judges in favour of the original decision of Lord Tenterden. After three years had elapsed the losing parties came forward and called on the same Judges to revise and alter their solemn decision. Such were the facts. The case stood on its own merits; and he must say that if there ever was a case in which an appellant was called on to pay costs that was unquestionably the case. His noble and learned friend on the Woolsack was right in coming to the decision that he had, and if those who had made the application to that House supposed that his noble and learned friend, because he entertained a particular opinion when he was at the Bar with respect to the case, would, in consequence, favour their application in his judicial capacity, that was a reason that made it more proper and more just that those who entertained such an idea should be visited with costs. With respect to the entry on the journals, it could not be inserted that the case was at an end, and that judgment was finally given, until the amount of costs was ascertained. Some of their Lordships thought it strange that a difference should appear between that which was stated in their minutes and that which they supposed was the fact. That discrepancy was, however, fully accounted for. But he would ask how came it that the *Morning Post* should be acquainted with the written Minutes of their Lordships' House. That was a matter worthy of their Lordships' attention. But was his noble and learned friend, in consequence of that discrepancy, which had been fully explained, to be dragged beneath the chariot-wheels of this Juggernaut of slander? Were their Lordships to be told, that his noble and learned friend was ready to falsify their Journals, in order to screen himself from censure for a judgment he had given? When the gentleman who had been at the Bar, stated in his address, that it was supposed that some of their Lordships thought, that the statement contained in this paragraph was true, he would say, that it was a libel upon any individual to suppose for a moment that a feeling of that description existed in the mind of any person. It was monstrous to think that the great organ of Justice in that House should be thus attacked, and attacked on grounds that did not even justify suspicion. If suspicion existed, it was only necessary to have called for an explanation, and such an explanation would at once have been given as would have satisfied every reasonable and unbiassed mind. The whole case was now before their Lordships. The individual who had published the libel was also before them, and it was with extreme reluctance that he had troubled their Lordships in addressing them at this length. He deeply, regretted, that the first Motion he made in their Lordships' House should be one of this description. He should take what he believed to be the ordinary course upon such occasions; but God knew, that he acted without the slightest personal feeling towards this man. He also must say, that he proceeded without having had the slightest communication with his noble and learned friend on the subject; but perhaps he might have a feeling of sympathy with reference to what his own case might hereafter be, if Judges were allowed to be libelled with impunity. His Lordship concluded by moving, "That Thomas Bittleston be taken into custody."

Motion agreed to.

The *Lord Chancellor* said, that he had listened attentively to the dignified and impressive statement of his noble and learned friend. He agreed with him in the necessity of protecting the Judges of the land, and the judicial functionaries of their Lordships' House, and those on whom the duties connected with those functions devolved. But, although he was duly impressed with these sentiments, and was of opinion, that as against their Lordships a grave, unjustifiable, and unpalliative offence had been committed, he craved their attention to a single observation in his own behalf. He entreated their Lordships, as a favour to himself personally, he being the individual against whom this gross breach of the privileges of the House had been perpetrated—he being the only person individually aggrieved—and if it had been any other Member of the House his mouth would be sealed; but, as he was the only one attacked, he preferred to their Lordships his humble solicitations, that no further punishment might be visited upon the individual in custody. In making this request, he would enter into a solemn engagement, that if they would grant his suit, and allow the individual to be reprimanded and discharged, in no case in which their privileges should be again violated, either in his person or in the person of any one else engaged in the judicial duties of their Lordships' House, would he interfere to beg off the offender. He intreated their Lordships to consider, that it was the request of the party sought to be injured,—he would not say injured,—that justice might be tempered with mercy, and that the offending individual might be discharged after being reprimanded. Was it the pleasure of their Lordships, that Thomas Bittleston should be brought to the Bar, reprimanded, and thereupon discharged?

Earl *Grey* was ready to pay every respect to the appeal of his noble and learned friend in mitigation of punishment. It was with great reluctance that he appeared to address their Lordships in aggravation; but considering how grave was the offence, and still more the manner in which it had been attempted to justify it, and agreeing entirely in the character which the Lord Chief Justice had given to the offence, he thought the House ought to consider, setting aside all personal feeling, and desiring only to maintain its character, and, above all, the interests of justice, whether it could possibly allow this case to pass over as proposed by his noble and learned friend? He certainly was not disposed to deal severely with persons in the situation of the individual at the Bar, and he should be ready to bow with deference to their Lordships' opinion; but, referring to former proceedings of a similar nature, he must say, that he looked upon this as the most aggravated case which had ever come under his notice, because it was an invasion of the administration of justice by that House. For these reasons, he did not think it would be right for them to dismiss the person at the Bar upon so slight a visitation of the displeasure of the House. He threw out these observations for the consideration of their Lordships. He doubted the propriety of adopting the course proposed by his noble and learned friend on the Woolsack; but he should be ready to concur in any decision their Lordships might be disposed to come to.

The Duke of *Wellington* said, that as he was the person who, upon a former discussion upon this question, had given his opinion respecting the manner in which the Records of that House were kept, and particularly upon this subject, and as this point had been adverted to by the gentleman at the Bar, who had been misunderstood, he thought, in that part of his address—he would venture to offer a few observations to their Lordships. It would be recollected, that the appeal out of which this question arose was one which attracted particularly the attention of their Lordships. The Report of the Judges, as their Lordships would recollect, had been received by a noble Lord who did not belong to the legal profession, and that circumstance had been adverted to by a noble and learned friend of his in that House. The subject, therefore, had attracted the public attention. When he first saw the paragraph in question, he confessed he was much surprised, and he was induced to make inquiries. The result of those inquiries was, that, although he found the Lord Chancellor had moved the House to confirm the judgment referred to, and although particular proceedings were had upon that occasion, yet not only was there no written record of those proceedings giving an accurate account of them for the information of the House or the public, but there was a printed record which did not give an accurate account. Both these records, the written and the printed, differed from each other, and both differed from the fact. He did not mean to blame the noble and learned Lord on the Woolsack in this transaction, neither did he blame the gentlemen at the Table of the House; but he could not help observing, that such a state of things was productive of great inconvenience. He meant by what he formerly said, to observe, that this state of things might have misled the gentleman at the Bar. He understood that gentleman to have referred in his address to what fell from him on a former evening. He could only say, that if he had been instrumental in misleading that gentleman to form an erroneous judgment he regretted it. Nothing was further from his intention than to cast any reflection on the noble and learned Lord. If he had entertained any opinion of that kind he should have said so without any hesitation; but he fully acquitted the noble and learned Lord upon that subject. He must say, however, that the mode of keeping the records of that House, both written and printed, was anything but satisfactory.

The *Lord Chancellor* wished to explain on behalf of the clerks of the Table. He need not remind their Lordships, that whatever had been done in this case as to the minutes, had not been done by him. The mode might be right, or it might be wrong; but he was not the author of the practice. Upon this occasion, as upon all others, he gave no direction either to write or to leave out anything. But the mode complained of was not peculiar to that House. The same practice was followed in every Court in Westminster Hall. They must, therefore, take a little time to reflect before they altered it. The judgment was never regularly entered up on the postea until the costs were taxed. The case might be decided and reported in Barnewall and Alderson, or any other reports, and yet the postea not finally entered until the costs were precisely ascertained. The entry alluded to was a mere private memorandum of the clerk of the House, and formed no part whatever of the Minutes of their Lordships' House. It was only meant as a security, that the regular entry should afterwards be made upon the Journals.

The Earl of *Limerick* said, that in justice to the noble and learned Lord on the Woolsack, he must say, that the noble and learned Lord treated with great moderation the groundless attack that had been made upon him. It did not seem that the noble and learned Lord had done anything wrong in the performance of his judicial functions. It was the duty of the noble and learned Lord to give his opinion on the case that had come before him for judgment. He was a great friend to the safe and proper administration of justice, and he should therefore be always ready to protect the judicial authorities of the country in the discharge of their duties. He recollected a former occasion, when a person brought to the Bar under similar circumstances to the present, for a breach of privilege, declined to give any explanation or information whatever to their Lordships, or to make any apology, and that person had the advantage of receiving a very lenient judgment, as well as having had the advocacy of the noble and learned Lord. He thought that the individual who had that day been called to the Bar had a better claim to the lenient consideration of their Lordships than the person to whom he had alluded. He trusted, therefore, that the Motion of the noble and learned Lord for calling him again to the Bar, and ordering his discharge after a reprimand, would be acceded to by the House. He should be one of the last men living to sanction the publication of any matter that might be hurtful to the feelings of another; and in supporting the Motion of the noble and learned Lord, his only object was, to have justice administered in mercy.

The Marquess of *Londonderry* could not see why the noble Earl opposite (Earl Grey) should wish to visit with a different and more severe degree of punishment a person who might offend against the Ministerial party in the House, than one who might, in like manner unjustly assail an individual attached to the Opposition side. He trusted the noble Earl would not press his interference between the generosity of the noble and learned Lord on the Woolsack and the individual at the Bar. He should be sorry to see any difference made between the cases of two persons who had offended alike because their offence applied to different parties in that House.

Earl *Grey* was sure their Lordships would acquit him of entertaining any other feeling upon this occasion than a desire to uphold the character, the dignity, and the privileges of that House. He could have no personal feeling whatever on the matter. He confessed that he was surprised, often as he had been subjected to the attacks of the noble Marquess who spoke last, that that noble Marquess should attribute to him the disposition to visit with different degrees of punishment any persons who might offend against their Lordships' privileges because they were the advocates of different opinions. He did not, he confessed, expect this imputation from the noble Marquess, much as he was opposed to him. This was a difference to which he never for a moment gave the slightest consideration. In the case that had been alluded to by the noble Earl (the Earl of Limerick), as well as in the present case, a breach of the privileges of their Lordships' House had been committed, and in coming to a judgment upon either, he hoped he should not be suspected of being influenced by any other feeling than purely a sense of justice and duty, and that no private consideration could enter into his mind in giving his opinion. He had but one object, namely, to maintain the character of that House and the proper administration of justice. Nothing could be more necessary to the due administration of justice than to protect the judicial authorities against such attacks as had been levelled at his noble and learned friend. On this ground chiefly it was, that he was not disposed to pass over the present case in the lenient manner which had been suggested by the generosity of his noble and learned friend. As to the entry which had been made in the Journals of the House, to which so much allusion had been made, he looked upon it as a question not at all connected in the present case. With respect to the other case, that had been quoted, he begged leave to say, that he was not one of those who on any occasion of this nature recommended a severe measure of punishment. But let the House see what was the course pursued in that case. A very atrocious libel had been published on the noble Earl opposite (the Earl of Limerick) and it was quite impossible that the offending party could be suffered to escape; and the course then taken was precisely what he recommended now, namely, that the offending party was committed to the custody of the Usher of the Black Rod, and was not discharged until after he had presented a petition to their Lordships, and had been reprimanded at their Bar. God knew he entertained no other feeling or desire as regarded the individual at the Bar than to see, that the character and privileges of their Lordships were maintained, although he certainly looked upon the present case to be by far the most aggravated that had been brought under the notice of their Lordships; and he did not think, that it would stand well upon their Lordships' Journals, if such a case, after having been noticed, were passed over without the visitation of severe punishment. Having said thus much, he was quite willing to acquiesce in the suggestion of his noble and learned friend on the Woolsack; but he could assure the House, that he was not biassed in any opinion he had given by a wish to deal out one measure of justice to the advocates of one side of the House, and another to those of the opposite side.

The Marquess *Camden* looked upon this libel as a most atrocious one, and which many would imagine could not have been made unless there had been some foundation. It had, however, no foundation whatever. It was proved to be as false as it was virulent, and he thought it should not be suffered to escape without some marked expression of their Lordships' censure. Their Lordships were bound to protect those who were engaged in the administration of justice. He was not disposed to visit this case with any unusual severity; but he could not prevail upon himself to let the party at the Bar escape altogether. He would, therefore, move that he be taken into the custody of the Black Rod."

The *Lord Chancellor:* He is already in custody.

The Duke of *Hamilton* was anxious that some conciliatory course should be adopted. He admired the moderation of the noble and learned Lord in the course which he had suggested. That noble and learned Lord had come forward to request their Lordships to treat the person at the Bar with lenity; and he (the noble Duke) hoped that that suggestion would be adopted, and that their Lordships would be lenient towards the person at the Bar. From what appeared to be the general feeling of their Lordships, he trusted they would pass the matter over leniently. He would not apologize for the gross libels which appeared in every public paper every day in the week—that he would admit was no defence for this, but it might be looked upon as a sort of palliation, that he followed a too general custom.

The Earl of *Harrowby* said, he was not disposed to visit this libel with all the severity it deserved, but still he thought it was one which ought not to be allowed to escape with impunity. He should like to follow the precedent established in the case of the publisher of another paper who had been brought before their Lordships. That individual had been ordered into the custody of the Black Rod, and was discharged only on his petition. There was, however, a difference between the two cases. The former, though an atrocious libel, was only an attack on an individual Peer, and valuable as must be the character of every Member of that House, an attack upon any individual Member must fall short of a gross charge upon the noble and learned Lord who represented the House in its judicial functions. They had visited an attack upon the character of a noble Lord by ordering the publisher of the paper in which the attack was made into custody, and he did not think, that an attack on the noble and learned Lord who represented that House in its judicial character should be visited more lightly than one on any other individual Member. Instead, therefore, of reprimanding the person at the Bar, and ordering his discharge, he thought, that their Lordships ought to mark the sense of the libel by extending the punishment.

The Earl of *Radnor* could well see why his noble and learned friend should not wish to press the case against the person at the Bar; but, with every respect for the feelings of his noble and learned friend on this occasion, he did not think that they ought to weigh with the House. The attack made was not only a gross charge on an individual member, but it was an attack on the House itself in its judicial character. It was a charge that its records had been garbled and falsified. It was, therefore, the affair of the House itself and not of any individual Peer. Under these circumstances, he concurred with the noble Earl (Harrowby) and the noble Marquess (Camden), that something further ought to be done than merely reprimanding the person at the Bar. Indeed, there was no precedent, after a vote declaring that a gross breach of the privileges of that House had been committed, for discharging the person at the Bar without sending him to Newgate, or ordering him into custody; and then the practice was, not to discharge the party except on his petition, acknowledging his offence, and expressing his regret for it. If, therefore, their Lordships had a due regard for their privileges, they would not suffer such an attack on them to pass with impunity, and an attack made on the most futile grounds; for if the party who wrote that article had sought for an explanation from the clerks at the Table, he could easily have ascertained the fact, and then he might have avoided the gross charge he had made.

The Earl of Harrowby moved, that the House pass to the Order of the Day.

The Motion agreed to, and Mr. Bittleston was removed in custody.

BRIBERY AT ELECTIONS.] The Marquess of *Lansdowne* rose for the purpose of moving the second reading of a Bill, which had been sent up from the other House of Parliament, having for its object the more effectual prevention of bribery at elections. This Bill could not be strictly called a Government measure, though it had been introduced into the House of Commons by a member of his Majesty's Government; but it had the advantage of having been formed on suggestions proceeding from various quarters, and of receiving the support of men of different parties, who were all equally anxious to give their aid in checking, as far as possible, the practice of bribery and corruption at elections. On the necessity of maintaining the elections of the representatives of the people pure and unpolluted, there could exist no difference of opinion whatever; and while he admitted, that it was difficult to propose any plan by which this desirable object might effectually be attained (as generally, in cases of bribery, no third person was present, and both the person bribed and the person bribing were interested in the concealment of their corruption), yet the Bill, which he trusted their Lordships would be induced to read a second time, would so far amend the existing law as to furnish additional facilities for the detection and punishment of bribery. If the Bill were allowed to go to a Committee, it was his intention to propose an Amendment to that clause which empowered the Committee appointed by the other House to issue a Commission for the purpose of taking evidence. He thought, the more convenient course would be to enact, that the Committee should report to the House on the subject of the appointment of a Commission, and that the whole House should, on the receipt of such report, address the Crown to appoint a Commission. He was of opinion, that the proceeding which he proposed to substitute in the place of that which the Bill, as it stood at present, made necessary, would give more weight and authority to the Commission. This was the only Amendment which he at present thought fit to propose; but if any objection should be made to a particular provision in the

Bill, which possessed, in some degree, an *ex-post-facto* character—he alluded to the clause which directed, that the enactments contained in the present measure should extend to proceedings now pending as to the borough of Carrickfergus—he, for one, not deeming that clause to be connected with the general provisions of the Bill, should not resist any proposition for its removal. The noble Marquess moved, "that the Bill be read a second time."

Lord *Farnham* did not mean to offer any opposition to the principle of the measure, and he thought, the machinery which it created well calculated to effect the object in view, as far as the other House of Parliament was concerned; but he was of opinion, that their Lordships would not be acting rightly in agreeing to address the Crown to deprive any borough of the important right of sending representatives to Parliament without having first instituted an inquiry at the bar of their House, or before some tribunal within their own body, as to the general prevalence of bribery and corruption alleged against that borough. He was ready to admit, that some mode ought to be adopted by which their Lordships might be relieved from the trouble and loss of time of going through such a painful investigation at the bar of the House; and, though he could not give his consent to disfranchise any borough on evidence collected by a board of Commissioners, he believed, that all the information required by their Lordships might be satisfactorily obtained by the appointment of Committees up-stairs, acting simultaneously, whenever two or more Bills of disfranchisement happened to be sent up to that House at one time.

The Marquess of *Lansdown* observed, that the House of Lords would not be obliged, on the Report of the Committee of the House of Commons, to concur in an address praying the Crown to withhold the issuing of the writ to any borough which it might be proposed to disfranchise; but cases might occur, in which the House of Lords would be satisfied with the evidence collected by the Commission appointed by the Crown, provided the House of Commons was satisfied with it.

Lord *Ellenborough* was sure, that their Lordships, if they bore in mind the long period which the proceedings in the Warwick case had already occupied, and if they recollected the time consumed in the examination of witnesses in the East Retford case, must be of opinion, that it was absolutely necessary to consider of some mode of proceeding on Bills of disfranchisement, by which the general business of the House might not be interfered with. This was a subject which he trusted their Lordships, whether they agreed to or rejected, as he hoped they would, this Bill, in its present stage, would appoint a Committee to take into consideration. He admitted, that the Bill did not expressly prohibit their Lordships from entering into such investigation with respect to boroughs which it might hereafter be proposed to disfranchise as they thought fit; but still its whole object was, to give to the inquiries instituted by the House of Commons an exclusive importance, and to pass by the House of Lords, except in so far as its concurrence in an address for disfranchisement was necessary. By one single vote, from which there would be no appeal, they would proceed to denounce a whole borough; but if it should be desired to alter the limits, or increase the number of electors of a borough, it would then be necessary to resort to the usual and constitutional mode of introducing a Bill; but all that would be necessary to deprive a borough entirely of its elective franchise was a joint address of both Houses of Parliament. Thus for a minor case they were to proceed by Bill, and, in the more important case, they were to be content with an address. To that he could not consent; and it was a mode of proceeding which their Lordships, he trusted, would never sanction. If, however, their Lordships should refuse to concur in the proposed address, it would then become necessary to proceed by Bill, which would thus, contrary to all precedent, originate in that House. With respect to the Amendment which the noble Marquess had intimated his intention of proposing to the clause relative to the Commission, he believed, that its only effect would be to give to the Government, instead of the Committee of the House of Commons, the appointment of the three barristers, who were to act as Commissioners. It was provided by the Bill, that parties petitioning the House of Commons against any borough, on the ground of general bribery, must deliver in a list of the persons whom it was intended to charge with the offence of bribery, and give to such persons fourteen days' notice previous to the sitting of the Committee, in order that they might be prepared to defend themselves either in person or by counsel against that charge. But, by a subsequent part of the Bill, power was given to charge other persons not included in the list delivered to the clerk of the House of Commons, who were not to be permitted, without leave of the Committee, to attend either personally, or by counsel, to cross-examine the witnesses produced against them, or call evidence in their own defence. And in what situation were those persons placed? They had no power to appear by themselves or counsel; they had no power to cross-examine witnesses for the petition; to call witnesses on their own part; and to take other means of rebutting the charges against them. It was true the Committee, if they chose, might give them that power, but of what use would it be to them when they were not aware of the precise nature of the charge? If, indeed, a Commission were appointed to investigate the charge in the country, then, indeed, the persons who were not comprehended in the list given in by the petitioners were as competent as the persons comprehended in that list to examine witnesses and rebut the charge. As soon, however, as the report was made by the Commissioners in town, all those equal advantages ceased, and the persons who were not comprehended in the list given in by the petitioners were no longer entitled to the privileges of the persons who were comprehended in that list. But that was not all. The report of the Committee, when made, was at once published, and the names of persons charged with being guilty of bribery and corruption, and who had had no possible opportunity of rebuting that charge, were liable to be posted upon Church doors and in Town-halls, and the parties themselves exposed to all that derision which was the necessary consequence of such an exposure. He could not imagine how it was, that such an enactment had been proposed by the collective wisdom, which, according to the statement of the noble Marquess, assisted in the concoction of the present measure; or how it had contrived to escape the observation of the noble Marquess himself, who now appeared to be reading the provisions of the Bill for the first time. By one part of the measure, provision was made for the payment of the expenses of those who brought a charge of bribery against a borough; but there was no such provision in favour of those who had to defend themselves against that charge, unless the petition should be declared frivolous and vexatious—an event which was likely to occur but seldom. But when proceedings were instituted, in consequence of the special report of the Committee of the other House of Parliament, in that case, however frivolous and vexatious the charge might be, the parties defending themselves would have no relief whatever. This was a matter worthy of their Lordships' serious consideration, because, relating as it did to costs, their Lordships had not the power of making any alteration, and if they resolved to pass the Bill, they would be obliged to pass it with all its imperfections. He had every desire to give the House of Commons power to establish a better tribunal than at present existed for the investigation of cases of bribery and corruption, and he thought it would be advantageous if the witnesses summoned in such cases were always examined on oath; yet he could not give his assent to the plan contained in the present measure. A very important principle was involved in the enactment which empowered the Speaker of the other House of Parliament to select eleven persons out of thirty-three drawn by ballot, for the purpose of investigating charges of bribery and corruption. He had great confidence in the honour and impartiality of the right hon. Gentleman who now filled the chair of the House of Commons; but this was a question not to be determined by personal considerations. It was well known that the Speaker of the House of Commons, being appointed by the majority of that House, in general partook of the predominating political opinions of that House. The Speaker was appointed immediately after the election, and the power which he possessed of reducing the number of Members contemplated by the present Bill, from thirty-three to eleven, gave him the means of disfranchising any borough in the kingdom. It gave him the power of selecting, not merely the Jury, but the Judge and Jury. By adopting the proposition their Lordships would abandon that privilege of challenging a Jury, which was one of the most powerful safeguards of the rights of Englishmen. A valuable principle was sacrificed, and for no beneficial purpose.

Under all these circumstances, he was desirous, that the second reading of the Bill might be postponed, and a Select Committee of their Lordships might be appointed to consider of the best mode of proceeding in the measure. He repeated that he was desirous to give the House of Commons additional facilities in the prosecution of cases of bribery and corruption, while at the same time he felt that there was great difficulty as to the way in which those facilities should be furnished. Above all, he was desirous that means of securing the purity of the exercise of the elective franchise should be devised, without exposing innocent persons to the injury, insult, and degradation to which they were exposed under present circumstances.

The *Lord Chancellor* fully agreed with the noble Baron who spoke last as to the importance of the Bill, and he was sure that the House generally would agree with him that there was an absolute necessity to pass some such Bill. The present measure, as it stood, he should attempt to support on two grounds, the first of which was one of principle. No man could entertain the slightest doubt that if each inquiry arising out of the alleged delinquency of any place returning Members to Parliament became the subject of a legislative inquiry, they must go fully through all the forms, through every stage of proceeding necessary to a Bill, and witnesses must be examined at the Bar of both Houses. That cumbrous, inconvenient, expensive, and tedious—and because cumbrous, inconvenient, expensive, and tedious, therefore less efficient — remedy, would not by any means be so frequently pursued as the modes of punishment and prevention provided by the Bill. The reluctance to have recourse to the remedy, as it at present existed, would always be in proportion to the inconvenience, expense and delay consequent upon establishing the claim for a remedy. If all those difficulties, then, were experienced — as undoubtedly they would be in any given case—a second accusation, though standing upon similar grounds, would be brought forward, if at all, with still greater reluctance than the first, for the severity of such a lesson could scarcely be thrown away upon parties feeling a disposition to prosecute in any supposable instance. The other ground which he purposed to submit to their Lordships' consideration was one of practice, and was suggested to his mind by the late proceedings with respect to the borough of Warwick. He did not, he assured the House, think of those examinations with any sentiments of revenge, although he certainly had suffered most severely under them. Well, the inquiry was proceeding, and in the fulness of time, they might arrive at a conclusion, and eventually pass the Bill. Upon the merits of that question, toward the elucidation of which that enquiry was directed, he, of course, could not think of pronouncing any opinion, when, as they at present were in the middle of that inquiry, it would be, to say the least of it, indecent in him to give expression to any opinion; but thus much, at least, he might without any impropriety, be permitted to say, that no man who paid the most cursory attention to the progress of the measure could permit himself to entertain the shadow of a doubt that the costs, the annoyance which it had occasioned, would effectually prevent the repetition of similar inquiries; and the necessary consequence of the present state of the law would be, that after the Warwick Borough Bill, no parties would be found to come forward, were the grounds of complaint tenfold stronger. The inevitable result of permitting the law to remain in its present state must be perfect impunity to the corruption of boroughs. He begged their Lordships' attention to the principle of the Bill then before them; it was, that the Crown should, on receiving a joint address from both Houses, issue a Commission to inquire into the accusation made, and the grounds upon which it rested, and to examine witnesses. Did any noble Lord suppose if a Bill were introduced for disfranchising any borough, that it was read a first time, and a second time, and committed, and finally read a third time, that anything contained in the Bill then before their Lordships would preclude either House of Parliament from proceeding with the examination of witnesses at their Bar, if to them such a proceeding appeared to be necessary? But he need scarcely remind their Lordships that long experience had proved that that mode was not, and could not be satisfactory; and that there must exist, under all circumstances, the greatest repugnance to have recourse to it. Under the Bill it was provided, that before the Petition was proceeded with, due notice should be given, that the Crown might issue a Commission which was to report to both Houses. He was not sure that the Report by the Bill was to be made to both Houses, but he thought it ought to be so made, and he was quite sure, that from thence, and from the general operation of the Bill, would arise a system and mode of proceeding in such cases, much more compendious, economical, and satisfactory, than had ever yet been applied to borough corruptions. He should now come to that point upon which he dissented from the noble Baron who spoke last. That noble Baron had said, the remedy proposed under the Bill would supersede the power of Parliament by the creation of a new body to do that which hitherto Parliament alone was considered to be competent to. Surely it took away no power from Parliament; it would still be in the power of either House to originate a Bill for the disfranchisement of any borough. In his apprehension, it would be anything but degrading to the dignity, or injurious to the privileges, of either House, that they should be required to concur in an address to the Crown before a Commission issued. It had long been the practice for the House of Commons to delegate its powers to a Committee for the purpose of inquiring into proceedings connected with one of its most important privileges—namely, who should or who should not sit for any particular place: they were, as he said, in the habit of delegating that power to a Committee which formerly the whole House itself exercised, and a worse tribunal there could not possibly be, unless, indeed the Irish House of Commons. How was that most important matter at present decided? Why a Committee of eleven possessed that power, which nothing less than the House of Commons before exercised. Under this Bill, Commissioners appointed at the instance of both Houses would perform those duties which at present were so imperfectly performed. But would the House of Lords or the House of Commons be bound by the report of the Commissioners? Certainly not.—If their Lordships did not find that Report to be perfectly clear and satisfactory, they might refuse to join in the subsequent proceedings, and thereby put an end to them. But the existence of that power, which the Bill before them asserted and recognized, would strike terror into the minds of evil doers, and a knowledge of the fact that it might, at short notice, be called into full activity would, he felt assured, deter them from the commission of those acts, the prevalence of which had given occasion for the Bill; and he should, without the slightest qualification affirm, that nothing could be further than was that Bill from tending to diminish the power, degrade the dignity, or lower the authority of that House. In the cases of tithes, Church property, or criminal law, they proceeded to legislate upon the Reports of Committees; were they by that in the slightest degree degraded, or did any man for a single moment suppose that reference to a Committee bound the House to abide by the decision of that Committee? In like manner, any noble Lord might, after the inquiry by the Commissioners, declare in his place in Parliament that such Report did not satisfy his mind,—that it did not go direct to the object in view,—that it was scanty or meagre,—or that wrong questions had been put. Such noble Lord might then, if he thought proper, move that the whole matter be referred to a Committee up-stairs; or even, if he saw it necessary, might move according to the old practice, that witnesses be examined at the Bar of the House. In that respect, therefore, their Lordships would be in the same situation after the passing of this Bill, as they were at present. The Bill comprehended, therefore, no infringement of the legislative, or of the inquisitorial functions of the House. As he had already observed, the evil in the present mode of proceeding was not so much in the first or second reading of the Bill, or in the Committee, as in the receiving of evidence—a subject on which, after his late experience, he could hardly speak without yawning. Indeed the House ought to be deterred from a repetition of such an experiment by their physical incapacity to repeat it; for unless they could put eight-and-forty hours into their day instead of four-and-twenty, they could not possibly get through two such Bills in one Session. Let a better mode be shown him of collecting evidence than that proposed in the Bill, and he would gladly adopt it. But he could not see why they might not engraft on that Bill, not the proceeding by address perhaps, (which he allowed was somewhat objectionable), but the grand improvement of avoiding taking evidence at the Bar. The noble Baron complained loudly of the enormity of posting the names of persons charged with bribery and corruption on Church-doors, and Town-halls. What the noble Baron characterised as a hardship was a common occurrence. Suppose any individual chose to present a petition to either House of Parliament, charging fifty persons—or, what was worse, five persons—or, what was worst of all, one person, with bribery and corruption, what was the consequence? That the speech of the Member of Parliament who presented that petition, and who opened the subject in the House, appeared in all the newspapers, obtaining thereby a publicity much more extensive than that of any placards on Church-doors. Nay, more, the petition was printed in the votes; and it had been decided by the Court of King's Bench, after a solemn argument, that those votes might be posted on Church-doors. It was clear, therefore, that any slanderous libel which a petitioner might think proper to introduce into a petition might be pasted on Church-doors with the authority of Parliament. If it were thought necessary, however, some protection against this grievance might be introduced into the Bill under their Lordships' consideration. One objection that had been made to the Bill was, to ask, why not leave the law as it at present stands; and in any particular case, if the House liked to do so, address the Crown to issue a Commission for the purpose of obtaining evidence? The answer was, that in that case the Commission would be only, *pro hac vice*, a Commission for a particular purpose. But if they adopted a systematic measure, which chalked out the general course of proceeding, that would be to tell the subject that whatever borough was guilty of corruption, Parliament was pledged and bound to investigate the case, with the view of punishing the wrong-doer. For all these reasons, he was certainly favourable to the second reading of the Bill.

The Duke of *Wellington* thought, that under the Bill, in its present shape, there could be but one mode of dealing with any borough in which corruption was proved to exist—namely, that of disfranchising it. A Bill to disfranchise a borough might also be founded on an inquiry, originating in the other House of Parliament, over which that House had no control whatever. He should wish before proceeding with such a measure that a Select Committee should investigate it.

The Bill was read a second time, and referred to a Select Committee.

HOUSE OF COMMONS,

Monday, June 30, 1834.

MINUTES.] Bill. Read a third time:—Sale of Tea.

Petitions presented. By Mr. SLANEY, from three Places, against the Church Rates Bill.—By Viscount PALMERSTON, from Romsey, for Protection to the Church of England.—By Messrs. BAINES and WILKS, from several Places,—for Relief to the Dissenters.—By the same, and Messrs. TURNER, DIVETT, TODD, PARKER, and WATSON, from Canterbury, and other Places,—against the Church Rates Bill.—By Colonel WOOD, and Messrs. STANLEY, BARING, DUGDALE, EGERTON, Sir JOHN TYRELL, Sir JOHN REID, Sir E. WILLIAMS, Sir G. STAUNTON, Viscount CASTLEREAGH, and Lord OSSULTON, from a great Number of Places,—for Protection to the Church of England.—By Mr. DUGDALE, and Mr. TODD, from three Places,—against granting the Claims of the Dissenters.—By Lord SANDON, from Liverpool, for the Repeal of the Duty on Stamp Receipts.—By Mr. VIGORS, from Carlow, for Restrictions on the Sale of Drugs.—By Mr. LAMBERT, from two Places, against Tithes.—By Mr. FINCH, from Stamford, against Bull and Bear Baiting.—By Viscounts CASTLEREAGH, and COLE, Sir EDWARD HAYES, Colonels PERCEVAL and VERNER, and Messrs. SHAW, LEFROY, FINCH, and BELL, from a Number of Places,—for Protection to the Church of Ireland.—By Mr. TOWNLEY, from Wisbeach, against Drunkenness; from the same Place, and from Alverstoke, against the Poor-Law Amendment Bill.—By Mr. BANNERMAN, from Aberdeen, for altering the present Law of Church Patronage in Scotland; from the Schoolmasters of Dalkeith, for an increased Stipend.—By Lord OSSULTON, Viscount CASTLEREAGH, Sir G. STAUNTON, Sir J. READ, Sir J. TYRELL, Sir E. WILLIAMS, Messrs. DUGDALE and EGERTON, from a Number of Places,—for Protection to the Church of England.

TITHES (IRELAND).] Mr. *Littleton* (on moving the Order of the Day for the House to resolve itself into a Committee on the Irish Tithes Bill,) wished first to state the nature of another considerable alteration, which, after deliberation, Ministers had deemed it expedient to recommend for adoption. For the last six months, they had been daily more impressed with the necessity of adopting, in the present Session, some measure to prevent the total annihilation in Ireland of tithe property; nevertheless, they had never ceased to feel the greatest solicitude to accomplish their wishes in a manner the least injurious and oppressive. He particularly alluded to the interest of the landlords, through whose instrumentality Ministers could alone hope to effect any considerable change. The House was aware, that there existed on the part of Irish landlords an objection to being compulsorily made liable to a rent charge, without the power of relieving themselves from it. They looked to the redemption clauses as the means of relief, but Ministers having thought it expedient to omit that portion of the Bill, the landlords would be left without those means. The measures, therefore, being restricted to the conversion of tithes into a land-tax, and of a land-tax into a rent-charge, the subject which had naturally occupied the attention of Ministers was, the best means of relieving the owner of the first estate of inheritance of the rent-charge. They had determined to recommend a provision of which the following was an outline. First, they proposed to provide what they hoped might prove a considerable inducement to the owners of first estates of inheritance to incur the rent-charge voluntarily. Where the owner should think proper before November 1st, 1836, to incur the rent-charge, he should be at liberty to do so, and his land should forthwith cease to be subject to the land-tax. Then arose the question in what way the rent-charge should be ascertained, and it was proposed that the amount should be determined by the relative number of years purchase fairly applicable to the land. The Commissioners of Land Revenue were to ascertain the number of years purchase, and then the Land-tax was to be multiplied by four-fifths of the number of years purchase applicable to the land, which was to constitute the amount of the rent-charge on the particular estate. It was proposed, by way of inducement to the land-owners, that they should be subject to no higher rate of interest than three and a-half per cent, and it had been judged expedient, that the difference between the amount of the Land-tax and of the rent-charge should not be less than twenty, nor more than forty per cent on the amount of the rent-charge. This arrangement would obviously give a considerable bonus to the land-owners, who would not have to pay more than two and a-half per cent as the expense of collection. It would naturally occur to everybody, that the amount of the bonus thus offered would create a considerable debt, and it was proposed, in the first instance, that the Consolidated Fund should be made chargeable with the deficit by reason of the difference between the amount of the bonus to the land-owner and the amount of reduction to the tithe-owner. Then came the question in what manner should the charge on the Consolidated Fund be made up, since it was too much to expect, that the State would incur such a burthen, though Ministers were thoroughly persuaded, that it would be the general sense of Parliament and the country, that the money would be well sacrificed if it purchased the peace of Ireland, which never could be obtained but by a satisfactory settlement of the Tithe question. After a full consideration of all the difficulties and exigencies of the case, Ministers had resolved to apply to it the amount of the perpetuity purchase fund in the hands of the Commissioners, and indemnify the country for the loss. He would state what was the amount of the fund; but first, he might observe, that there were already two funds in hand. One was a fund for the augmentation of small benefices, consisting almost exclusively, at present, of Primate Boulter's and Robinson's bequests, amounting, in the whole, to about 16,500*l.* There was also the principal fund in the hands of the Commissioners for the general purposes named in the Act, to pay salaries of certain clerks and officers, to provide necessaries for the performance of divine service, for the repair of 1,250 churches, the expenses of the Commission, &c. The whole amount of indispensable charges might be stated at 66,000*l.* per annum. He would now state the amount of the fund to be derived from other sources. First, there was the nett income of ten suppressed sees, of 50,873*l.* To this was to be added 10,600*l.*, the reduction in the revenues of Down and Derry; and 22,000*l.*, the produce of the annual tax on benefices exceeding 300*l.* a-year. The repayment by instalments of advances on glebe-houses would afford 7,500*l.*; and, on the whole, the amount of the fund in the hands of the ecclesiastical Commissioners might be stated at 91,033*l.*, which, after deducting 60,000*l.*, which would probably be the amount required for the purpose he had mentioned, would leave a balance of 25,000*l.* for such other optional purposes for the improvement of the Church of Ireland as the Commissioners might think fit. In addition to this, there was the perpetuity fund, which already amounted to about 60,000*l.* and would probably amount on the whole to not less than 1,200,000*l.*, affording an annual income of 42,000*l.* at an interest of three and a half per cent. He was of opinion that no detriment could arise from applying this money to other purposes than those to which it was originally destined, while great additional security would be given to the Church, by inducing land-owners to take the rent-charge voluntarily on themselves. Hence Ministers had deemed this the most prudent course, and he had no doubt that such would be the sense of all parties in Ireland. Ministers were also persuaded that on a full and calm consideration of the merits of the question, the plan would be equally approved by the people of England, and they had not hesitated to recommend it to the adoption of Parliament. He would only remark in conclusion, that it was not intended that landlords incurring the rent-charge, either voluntarily or compulsorily, should be permitted to levy more from their tenants than the amount they themselves actually paid. He moved, that the Speaker leave the Chair.

Mr. *Shaw* said, that it was extremely difficult to follow the right hon. Gentleman through the proposed changes of the Bill; he wished at present only to put to him one question:—Was it intended to make the rent-charge in any case compulsory on the landlord?

Mr. *Littleton* answered, that the rent-charge might be incurred voluntarily before November 1836: the land-tax would continue for five years afterwards, and those who had not then incurred the rent-charge voluntarily would then be compulsorily subject to it.

Mr. *O'Connell* said, that the right hon. Gentleman recommended this Bill to the House after cool and calm consideration; but what time had he given to the House for cool and calm consideration. Was it fair, he would ask, to press going into Committee upon that alteration, which was different from anything that had hitherto been offered to the House. It was different in principle from the Bill that had been read a second time. The original Bill had been printed months ago; but this Bill was no more like what had been then printed than it was like the English Poor-law Bill. It had been altered over and over again, and since it was first printed eight or ten new clauses had been introduced into it, and now an alteration was proposed, which rendered it virtually a new Bill. He could form some conjecture as to the nature of the proposed alteration, but he was by no means sure that he understood it, and he felt quite certain that nine-tenths of the House did not fully comprehend its import. Before they proceeded further he would suggest that the Bill with these alterations should be printed, in order that they might see what it was. He paused for an answer. There surely could be no objection to give a respite for publication, and the strongest argument he could use in favour of postponement was the nature of the amendments themselves. He hoped he might be allowed to pause and inquire if the right hon. Gentleman would postpone going into Committee until the House should have an opportunity of understanding this new project?

Mr. *Littleton* thought the proposal for delay unnecessary, for the alterations would not have to be discussed until the Committee should have arrived at the 152nd clause.

Mr. *O'Connell* said, that the proposed charges were an alteration in the principles of the Bill, a solid and substantial alteration. There was no part of the empire for which Government would attempt to legislate in this way except Ireland. The Bill was one of vital importance to Ireland, and surely time ought to be afforded to understand it, particularly as it appeared that the Government itself after all its deliberations had not agreed upon its measures until that very day. It had not decided what measure it would adopt against the people of Ireland, nor what should be its details. At one time they came forward with a proposition under the pretence of serving the people, and at another they offered a bonus to the landholder, and endeavoured to screen themselves behind his prejudices, or what was still worse, his interests. He was never so astonished as he was at the plan proposed by the right hon. Gentleman. Let the House take up this Bill and endeavour to understand its principle, and see its tendency. He would ask the House if it was ready to declare war against the people of Ireland—war unmitigated in its evils? Would it support a Government which did not appear to understand its own measures for one half hour? Would it suffer that Government to commit the country into the worst species of civil war? They might do it if they pleased, and if they had confidence in the present Ministry; but he wished them to understand distinctly how near a proclamation of war the Bill was. He called upon the House to recollect the course hitherto taken on this Bill. He had in the first instance proposed a plan which would have taken less from the Church than would be taken by the proposed alteration, and would ultimately extinguish tithes in name, while it would have preserved four-fifths of the amount for the purposes of religion. He now boldly denounced the measure as one not of conciliation towards, but of actual war upon the people of his native country. He, in lieu of such a measure, so fraught with objections, had proposed that one-fifth of the tithe should be raised compulsorily on the landlord. It would be easy to effect it by loan if not otherwise, as soon as they had the sanction of an Act of Parliament to enable them to raise it; that one-fifth of the charge for tithe should be abated: that another fifth should be paid by Government out of the Consolidated Fund; and that two-fifths, or eight shillings in the pound should be paid by the tenant. Four-fifths of the tithes of Ireland were available for ecclesiastical purposes until the Legislature should decide otherwise. He had proposed this plan in contradiction to the popular feeling in Ireland, though no part of the plan was to give a boon to the landlord. It was in his mind enough that they were left what they already had; but it would have ensured that four-fifths of the tithes in Ireland would have been preserved in monies numbered for the use of the Protestant clergy. The plan of the right hon. Gentleman was now to give, as he had explained, one-fourth of the whole for the benefit of the landlord. No relief to the tithe-payers was to follow from the plan of the right hon. Gentleman. Nothing would be taken off which pressed on the poor farmers and the poorer peasantry. The former Bill contained a clause of appropriation, to which there was a strong moral objection taken. There was a division of opinion among the members of Government, and no greater diversity of note was to be found in the music-shop over the way, from the deep bass of the right hon. Gentleman opposite to the shrill treble of the right hon. member for Cambridge, than amongst the members of his Majesty's Government. But he had the misfortune to find that the resolution he had proposed was negatived. To speak with historic reference to the course he had pursued, he would observe, that he had first proposed that there should be an arrangement made for the diminution of the amount of tithe, so as to effect the extinction of part of the charge upon the land. But, taking even the Bill as it now stood, he should call upon the House to postpone the Committee on a Bill, upon which they had been deceived and tricked by the right hon. Secretary for Ireland. This Bill, in truth, had yet never been before the House. That which they had read once and twice was not this Bill at all. Many supported that Bill, looking to the clause of redemption of the charge in it. But not one member, who supported the Motion of the right hon. Secretary that this Bill should be read, supported this Bill. It was not the Bill, but the shadow of that Bill that was now under discussion. On this ground he must vote for its postponement. Until 1825 the remedies given by law against the defaulters for tithes were the same as in England. In 1825 the law was changed without producing any good effect, and to the old law they should have returned. But no. A new project was broached to-day. A Bill was brought on in a new shape; and both the clergyman and the lay impropriator were to be thrown aside. "You have," said the hon. Member, "been from ancient times the robbers, the plunderers of Ireland; true to the principle which, then and since, has actuated you, and which Lord Clare admitted had been pursued undeviatingly towards Ireland beyond any precedent in the history of civilised nations. The sword of the King is now to be raised against his liege subjects in Ireland, with the object of raising by the troops there a compulsory and reluctant land-tax. You declare you are the owners of the tithe, and are prepared, by the assistance of the army, navy, and police, to enforce tithe in this new shape. The old stories of oppression, outrage, and massacre, of which Lord Clare spoke, are all about to be reduced to reality by the King's Government. *De te fabula narratur.* You are the actors, appointed to figure in the tragedy, and will you do that which will make it necessary you should again attempt by blood and destruction the re-conquest of Ireland? The King is the owner of the tithes by the Bill. Is it not so? If I had to address men at all acquainted with Ireland and her condition, I might hope for an impartial division; but how do I laugh to scorn the assurances given by hon. Members in debate that there are in this House chivalrous spirits which will extenuate the faults of my country to make national sacrifices for the securing to her peace and prosperity." It was not in nature, the hon. Member continued, that, uninformed as most who heard him were on these topics, they should be prepared to act otherwise than they did; to make war in fact on Ireland. That war was first commenced by determining to get, by process of law and military force, 60,000*l.* for the aid of the Irish clergy. But their wicked scheme was unproductive; it cost 28,000*l.* to enforce the collection of 12,000*l.*, and they gave up the struggle, but not until the British troops were forced to take shelter behind the buildings of a close town from the fury of an irritated unarmed peasantry. But he would tell them it would require all the force they could spare to send to Ireland to accomplish the enforcement of tithes by this Bill. He would point to them as a ministry, found four or five times wavering on this very subject, and he would ask them as English gentlemen, would the majority in that House halloo on that Ministry to injustice and bloodshed, in order to keep them in place, which they had already more than once done as by a miracle? But let the high-flying Protestants about him beware. The abstraction of the 147th clause let out a secret. It was a step from the high-flyers to his party as the Consolidated Fund was to pay for this manœuvring. But he would tell those Ministers, that this juggle and manœuvring deceived nobody. The amount of lay and ecclesiastical property in tithes was about 600,000*l.* a-year, according to the report; but suppose, for example, they struck off 150,000*l.* and took it at 450,000*l.* This Bill provided, that the 450,000*l.* was to be paid hereafter out of the Consolidated Fund, and the clergyman or impropriator was to receive it by Exchequer Bills the day it was due, bearing five per cent interest. This was a bank note in effect, receivable at the Custom-house or Excise-offices. So far, then, it was a sort of stock with which—mark! the British Treasury was hereafter to be encumbered, and the British people burthened. He was sorry the hon. member for Middlesex was absent through illness; because he should have been happy to have heard his opinion of this useless extravagance in this department of our finances. Because it was to be observed, that whether this sum in tithes were to be collected or not, the clergy and the lay impropriator were to be paid by the treasury the whole 450,000*l.* It would have been a magnificent thing, worthy of the Legislature, and for which boon they would have received an equivalent in the peace and tranquillity of Ireland, had they voted the whole sum should be paid for the pacification of Ireland, as they had done the twenty millions to settle the question of negro slavery. But now, he would ask, would 500,000*l.* or 1,000,000*l.* pay the expense the country would be put to by enforcing payment of these tithes? Well, then, the expense altogether would be two millions to the public treasury, and to collect this 450,000*l.*, if ever collected, war would be waged on the people by the Irish army from one end of the island to the other. Did they ever read the Irish newspapers?—if so, they would find how he had been found fault with and carped at, for having at all listened to any terms short of extinction of tithes in Ireland. He warned the high Protestant party, that if this Bill were passed, they would find a dreadful reaction carried on, not in the open field of battle, in the public streets, but at midnight, and in secret the hand of the incendiary would fire the tithe-payer's barn, the farmer's homestead. The assassin and the lawless band of infuriated men would render darkness dreadful to the peaceful and unoffending. Oh! it was a dreadful consideration—but no exaggeration, and borne out by the experience of the deadly war waged in Ireland in this way for the last seventy-four years. It was not worthy of the title of a Government which saw not the throbbing of the public mind through the national press of her country. It deserved not the name. But the object of this measure was to put the landlords between the Ministers and the tithes. Let them beware, however, lest the distinction were lost in the public mind between that which was extorted as tithe, and demandable as rents. This was dangerous ground, and might be fatal to the interests of the landlords. Let them keep aloof from such a confusion of rent with tithe. The war levied against tithe might serve—nay, would serve—as a pretext for a war against rent—all rent, particularly absentee rent. The Bill originally brought in had proceeded on principles known and recognised, not by him, it was true; but now the Government proposed alterations which sacrificed nine-tenths of its principles. The first Bill had a redemption clause ; but that was struck out. What next? It had an appropriation clause; but that also was struck out, after a shock which split the Cabinet asunder. What in Heaven's name would be the next alteration? None knew—not even the right hon. Gentleman and the Cabinet. Now, before 1831, there was a market-price tithe in Ireland; it was twelve years' purchase, whilst the price of land was twenty-two years' purchase in the very same counties. The right hon. Gentleman was by this Bill going to add one-fourth to the burthen of tithes in Ireland. Was there any meaning in their Bill? Was Ireland better under this Reformed House of Commons or the present Government, than under an unreformed House and the Tories? Not a whit. Were the Ministers not unanimous in coercion, but plentifully divided whenever measures of concession were about to be adopted? Indeed, they not only did nothing; but they promised nothing; except, perhaps, that dreadful promise that the power of the State was to be used to force the payment of that which the voice of the nation proclaimed to be an exaction. Would it not proclaim to the people of Ireland, trumpet-tongued, their degradation, in consequence of the want of a domestic legislation? He required of the House the postponement at least of this measure till after this Session. That was much more reasonable than to go into Committee on a Bill admitted to be no longer the Bill they had read a first and second time. He would throw out a hint—they were a new Cabinet—let them pause; take time to consider what they were about, as to this measure, so as to be certain, they were now thinking and acting together. Aye, but it was apprehended, that if the law was left as it was, there would be some difficulty in getting in this year's tithes. He would suggest they should take a vote for 300,000*l*., in addition to the vote of last year, and apply it to the payment of the tithe proctor, and thus purchase peace for next winter, till they could bring in a proper measure. Had they done rightly, they would have taken the advice of Irish Members on a Bill which was to heal animosities, and give peace to all classes. He had given them his advice, he had obtruded it; but they would not notice it. No one else had been, he believed, consulted. They would not fail to put all the people of Ireland in array against them by this Bill. His conviction was, they were endangering the peace of Ireland, the lives of thousands, by playing off this fearful game of their enemy. Since their accession to office, their system of Government had led to twice as many prosecutions as had taken place in the same period during the former Tory Administration. Their Attorney General was mischievously and constantly busy, and three times as much blood had been shed in their time of power, as had been shed in a similar period of the Tory Administration. Litigation and bloodshed marked their course of political power. He again conjured the Cabinet to pause in its design—to think not so much of the majority they always had for all their measures in that House, but of the people and those interests to which this law was to apply. It was a mistake: they were not called to govern a great country by means of exaction and coercion, but by mingling with a consistent firmness the attributes of all good Government—kindly concession and redress of admitted grievances. He felt it his duty to oppose this frightful Bill, and should therefore move, that it be committed this day six months.

Lord *Clements* had heard with surprise and regret, many of the observations of the hon. and learned Gentleman. There were others of his statements from which he dissented. He denied, that there had been, as alleged by the hon. and learned Gentleman, more blood shed in Ireland for the last few years than at any former period of Irish history. The hon. and learned Gentleman had forgotten the insurrection and bloodshed of 1798. He regretted the highly-coloured statements of the hon. and learned Member on other points, to which he would not more particularly allude. He thought, that though there were points in the measure which were not sufficiently understood, that Government nevertheless deserved great credit for it. The subject of tithes was one which was surrounded with difficulties, and, therefore, the measure now before the House ought, he conceived, to be allowed to go into Committee.

Mr. *O'Connell* rose to make one remark in explanation. When he said, that there had been more disturbances and a greater quantity of blood shed in Ireland within the last few years than at any former period, he meant since the union of the two countries, and consequently did not intend to include the period of the Rebellion in his observations.

Mr. *Littleton* said, that the hon. and learned Gentleman's temper had so completely got the better of, and forestalled his reason, that the House, he was sure, would not be at all surprised to hear him state, that he could not understand the Bill. He trusted, nevertheless, that in his calmer moments the hon. and learned Gentleman would have the candour to admit, that the present measure included many of the provisions of his plan, or, in other words, that the plan which he (Mr. Littleton) had now submitted to the House was, in a great measure, the same as the plan of the hon. and learned Member. He trusted, that hon. Members would concur with him, when he said that it was extremely desirable, that, at this late period of the Session, they should be allowed to go into Committee at once. With regard to what had been said by the hon. and learned Gentleman, in the way of complaint that the Bill had not been printed, he could assure the House, that the fault did not rest with him (Mr. Littleton). He was desirous, that the Bill should have been printed a fortnight ago, and intended that it should be so; but had been induced to change his opinion in consequence of a suggestion to that effect made by the hon. and learned member for the University of Dublin. He was, therefore, not to blame for the Bill not being printed. The hon. and learned Gentleman next proceeded to complain that the Irish Members had not been consulted about this Bill when it was in the course of preparation. The complaint of the hon. and learned Gentleman was altogether unfounded: he could not have preferred one more groundless. Never was there any Bill respecting Ireland in the framing of which the Members for that country were so much consulted. For more than a fortnight almost the whole of his time had been occupied in corresponding with the Irish Members on the subject of this Bill; and the house of his noble friend (Lord Althorp) had always been open to the Irish Members, whenever they wished to communicate with him on the subject. He would, therefore, repeat, that there never was an Irish measure in which the Irish Members had been so much consulted. He would not refer to the splenetic assertions of the hon. and learned Gentleman, that nothing had been done by the present Government for Ireland. He was sure the House were aware, that they had done every thing they could for that country, and that they had conferred several important boons upon it. Had they done nothing for Ireland on the subject of tithes? Had they not done everything in their power to conciliate the Irish people, by a plan of commutation? And not only had the present Government persevered in its efforts to bring about an adjustment of tithes; but they would still persevere in their endeavours to accomplish that object, as they knew it was necessary to the peace and tranquillity of the country. Was it, he would ask, no boon to the people of Ireland, that fifteen per cent was to be remitted to those who were liable to the composition? [Mr. *Shaw*: No.] Did the hon. and learned member for the University of Dublin mean to say, that that reduction was no relief to the tenantry of Ireland? It was impossible to carry the reduction of the amount of tithes much further without seriously injuring the property of those affected. He had only to express his hope, that the House would consent to the measure going at once into Committee, when he should be able to satisfy the Committee, that the alterations he proposed were great improvements in the Bill.

Mr. *Stanley* had not before thought, that any one could have proposed a plan with regard to the Church of Ireland which could by possibility have brought the hon. and learned member for Dublin and himself to vote upon the same side. He must confess that he had great doubts whether, after the declaration made by his right hon. friend, it would not be better to await and have the Bill printed, for the purpose of allowing the House and the country to judge of the alterations which had been made in it. His right hon. friend admitted, that the measure was not the same as when first introduced. That was with him a reason for postponing the consideration of the measure. Though, therefore, under such circumstances, he should vote with the hon. and learned member for Dublin, yet still he felt great hesitation on the subject, because he knew the responsibility that would devolve on that House, and on himself in taking such a step in the present state of tithe property in Ireland; and because he was persuaded it was the intention of the Government to propose what they considered the best and most effective measure for the enforcement of the law and the preservation of property in Ireland. His right hon. friend said, in answer to the objection of the hon. and learned Member against going into Committee on the Bill, that it was not his fault that the Bill had not been printed a fortnight ago for the consideration of the House; that he was then ready to go into Committee *pro formâ*, for the purpose of having it so printed; but that in consequence of the hon. member for the University of Dublin declaring at the time, that he would take the opportunity to raise a discussion upon the principle, he was prevented from doing so. The alterations which, at that period, had been made in the Bill were merely alterations of omission; but the clauses which his right hon. friend now proposed, must be viewed in a different light; could they, he asked, be looked upon as part and parcel of the original Bill? He would ask, whether it was not intended to omit a great portion of the Bill for the purpose of introducing the clauses that his right hon. friend had indicated to the House, and whether, amongst them, there was not the introduction of a new principle by which out of funds that had hitherto been devoted to ecclesiastical purposes, the Government proposed to give a bonus of 100,000*l.* a-year to the landlords of Ireland? [" *No, no!*"] He thought so. He had no means of knowing whether he was right or wrong. His right hon. friend did not afford him such means. At the last moment, his right hon. friend came forward with a Bill so different from that which had been formerly introduced—so exceedingly different from it, not merely on account of the clauses that were to be omitted, but also on account of those which were to be inserted, that he (Mr. Stanley) could hardly conceive it possible that those who had voted on principle for the first Bill could support this as the same Bill. He would call the attention of the House to the state in which the Bill was. He begged the House to observe, that last year difficulties, especially with regard to individual clergymen, had been thrown in the way of collecting tithes to such an extent, that it was necessary for the Ministers to ask the House for an advance of 1,000,000*l.*, in order that a measure finally to put an end to tithes might be submitted in the present Session of Parliament. What had been the argument upon that occasion? Why, that nothing would satisfy the interests of Ireland, or permanently secure the tranquillity of that country, unless the tithe question was put an end to, not by temporary measures, but by altogether redeeming the tithes. Such was originally the main principle and object of the Bill which he held in his hand. It was that principle which had justified strong measures. Those measures had been adopted for the purpose of encouraging redemption, and thereby securing the extinction of the payment of tithes in any shape, and that redemption and extinction consequent thereupon could only be effectually accomplished by a conversion of tithes into a Land-tax. Of this the Government was to undertake the collection, and almost all parties united in saying that it was the duty of the Government to secure that from the individuals who were bound and able to pay it. The Government had consented to waive the objections which might arise from the substitution of the claims of the State for those of the Church, and the payment was made from the Consolidated Fund by and at the risk of the country. The House could not forget, that all former measures had proceeded on the principle that the miserable cottier—he meant the occupier—should not be the party liable to the payment of tithes, or, the person to be brought in collision with the tithe-owner. In all previous measures also the Legislature and the Government had studiously abstained from interfering in any shape with existing interests, created by bargains made and entered into between landlord and tenant, and on the contrary the Government had taken upon itself the inconvenience of collection, in order to support the rights and claims of both parties. What, however, would the present Bill, with its amendments, effect? Formerly the doctrine, had been admitted, that the rent charge should be paid, not by the occupying tenant, but by the landlord; and though it had been felt that such a course would be an interference with property, yet it was vindicated on the ground that the ultimate object—namely, the extinction, by redemption, of tithes—was of so great importance, that the rights of landlords, and the rights of property ought not to stand in the way. He (Mr. Stanley) had always thought, that the landlords of Ireland ought not to escape from this burthen, subject, however, to being redeemed by them. But, by the present Bill the burthen was left, and at the same time it took away all chance of redemption, which was the object chiefly proposed by former Bills. This was a manifest departure, not merely from the details, but the main principles of all the measures which had previously been submitted to the consideration of the Legislature. His right hon. friend the Secretary for Ireland, however, said that this might be rectified in Committee, and down came he with a proposal which had been brought forward by the hon. and learned member for Dublin on a former occasion. It was not easy to follow his right hon. friend, but he had understood him to suggest, that it would be very desirable that the landlords should take upon themselves the rent-charge for the period of five years, holding out an inducement to them to take upon themselves the burthen. Formerly fifteen per cent had been held out as an inducement, but now that did not appear a sufficient boon, and therefore forty per cent was suggested. This was most undoubtedly an enormous bonus to be enforced by a most summary proceeding. If the landlords did not complain, on being thus made responsible, the people of England had a right to complain; and the Church of Ireland was also justified in raising the voice of complaint. After much discussion and great deliberation, the House of Commons had, under the expected difference of opinion with another branch of the Legislature, abandoned the principle of converting to the use of the State that very property which his right hon. friend now called upon the House to appropriate. Because the Parliament would not do that, the 147th clause of the Bill of last year had been abandoned. On the discussion which ensued upon that clause the doctrine of appropriation of Church property to State purposes was repudiated by the House. It was true, his right hon. friend had said, that it was not an appropriation to the State, but a bonus to the Irish landlords of forty per cent. With all these considerations he must ask the House whether it would not at least be more decent to give them time for the consideration of the great alterations, now proposed, and the deviations from the principles adopted which were now in contemplation. He conceived, that the change ought at least to be made after the fullest opportunities for full and impartial deliberation. He spoke under very great doubts as to the course which, upon the present occasion, he ought to pursue, but he sincerely trusted his right hon. friend would not now press for the House to go into a Committee on the Bill. He felt all the responsibility which would devolve upon those who divided against going into Committee upon the Bill; but he confessed that, in voting with the hon. and learned member for Dublin, he did not think he should vote against this Bill or any other which might be introduced with reference to the same subject. He certainly thought, that his right hon. friend would do well to postpone further proceeding with this measure until the Bill, as proposed to be amended, was again printed, and in the hands of hon. Members. In the mean time he must call upon the House and the Government to consider, that upon them ultimately must rest the responsibility of supporting the laws of property. Satisfied that the Government had this responsibility, he should be inclined to be guided by their judgment rather than his own. It was for the Government to protect tithe property as much as the property of any other of his Majesty's subjects, and he should therefore be disposed, as far as he could, to yield his own judgment to that of those who, with the introduction of this Bill, were also charged with carrying the existing laws into effect. He, however, did trust, that the House would be allowed a better opportunity of acquiring a knowledge of this Bill than it could have from the mere statement of his right hon. friend, before hon. Members were called upon to deal with its provisions.

Lord *Althorp* said, that, notwithstanding his right hon. friend had declared it to be his intention to vote with the hon. member for Dublin, he very distinctly understood the principles upon which he so voted to be widely different from those upon which the hon. Member's Amendment was based. The Amendment was framed for the purpose of obtaining the defeat of the Bill; his right hon. friend's opposition was offered with a view to obtain the postponement of the Bill till the new clauses were fairly before the House. It might, however, be observed, that even if the House did go into Committee now, the clauses to which his right hon. friend referred were not likely to come under their consideration, for the previous clauses would occupy their time, for some nights, perhaps; and, therefore, there would be plenty of time for their being printed and laid before the House previous to their consideration. But he would go even further, and say, that if the House desired, and expressed that desire, that the clauses should be printed before they went into Committee on the Bill, there was nothing unreasonable in that desire, or unfair in his right hon. friend's demanding it. The change in the principle of this Bill might be resisted as well in the Committee as at present. His right hon. friend had very fairly stated the fact, that the chief object of the Bill originally was the commutation of the tithes into land, so as to get rid of them for ever. But he forgot to state that the principle upon which the advantage now proposed to be given to the landlord had been already admitted on a former occasion. His right hon. friend had stated, that by leaving out the redemption clauses, the Government pressed hardly on the Irish landlord, more hardly, indeed, than according to his conviction the Government desired. But then it ought to be recollected, that the landlords had the alternative offered them solely in consequence of this circumstance; and as a compulsory rent-charge on the land, in lieu of the existing bargains relative to the tithes, appeared to be a hard measure, the Government resolved to offer them the boon now proposed, by way of mitigating hat hardship. Besides, it was no boon; it was only a fair equivalent for what was taken from them. With respect to the other part of the question entered into by his right hon. friend—the difference, namely, in the amount received by the Government on account of tithes, and that paid by them to the clergy—his right hon. friend had overstated the sum at 100,000*l.* It was not so much as that. He admitted, that in thus applying the perpetuity fund, the Government went back to the principle contained in the 147th clause of the Bill of last year; but the difference was this—that according to the Church Temporalities Bill, the perpetuity fund was to be applied to state purposes, while by the present measure it was to be applied to increasing the security of the revenues of the Church, as an inducement to the landlords to take upon themselves the rent-charges, the effect of which would be greatly to facilitate the collection of the impost, and secure the safety of those who were to receive it. He thought, however, that his right hon. friend could hardly with any consistency go the length of voting against the Bill. He had declared it to be the duty of Government to protect the property of his Majesty's subjects, amongst whom the Irish clergy must of course be included; but he must remind his right hon. friend, that if the House at his instigation, and by his aid, deprived the Government of the means of affording them protection, it was hardly fair to look for it at their hands. If, therefore, the House would consent merely to go into Committee on the Bill, he would consent to postpone the discussion of the principle of the new clauses until the House was in full possession of their purport, and with this understanding he trusted the Amendment would not be persevered in.

Mr. *More O'Ferrall* was not altogether surprised at the course taken by the right hon. Gentleman, the late Secretary for the Colonies, but he was at the course taken by the hon. and learned Gentleman, the member for Dublin; he had never expected to see them join in anything, but above all in opposing an Irish Tithe Bill. Lest misconception should exist in any quarter, he thought it right that Irish Members particularly, should understand the position in which they stood with regard to the question before them. The law under which tithes in Ireland would be collected in November next, was the 2nd and 3rd of William 4th, which had been introduced by the late Secretary for the Colonies in 1832, the object of which was, to place every parish in Ireland under composition. Under that Act a compulsory composition took place throughout Ireland last year, which had the effect of raising the value of tithes to a higher amount than under the old law. When the present Bill was first brought forward by the Chief Secretary for Ireland he (Mr. O'Ferrall) had joined in opposing it, because it provided that the redemption money should be invested in land, which would have conferred great political power upon the Protestant clergy. That Bill was now entirely altered. In the first place the new clauses which it was proposed to insert, provided a remedy for the excessive and objectionable valuation — the principle which they had so recently contended for, namely, the appropriation of the property of the Church to useful and public purposes, was conceded in the proposition of the Secretary for Ireland, for the right hon. Secretary stated, that the sum allowed as a reduction to the land-owners would be made up out of the Church fund. If these alterations were made, he certainly thought the Bill before the House would be a great improvement on the Bill of 1832, but if by any extraordinary combination of the hon. and learned member for Dublin with the late Secretary for the Colonies, those alterations should be prevented from taking place, he would then reserve to himself the right of voting against this Bill upon its third reading. He would advert to the proposition which had been made by the hon. member for Limerick, and adopted by the hon. and learned member for Dublin. That proposition claimed a new valuation, and a reduction of two-fifths; one-fifth to be paid by the Consolidated Fund, the other deducted from the clergy. The Bill before the House adopted these two propositions, and, under circumstances, would give a reduction of three-fifths. As he understood, it was proposed by this Bill, that the rate at which land sold should regulate the price of redemption of tithe; and where the value of land amounted to twenty years' purchase, the reduction per cent on the tithe would be to the amount of 40*l.* Although the proposed alterations did not go the length which he and many others desired, was that a reason, when so many positive advantages was offered, that they should reject it altogether? Would they, by rejecting the present proposal of Government, leave the tithes to be collected under the Bill of 32—would they expose the people to the renewed evils of a harassing persecution? He was placed in that House to represent not the passions but the interests of his constituents, and the question for him to decide was, whether it was better for his constituents, that reduced tithes should be collected from the landlords, for the relief of the tenants under this Bill, as was proposed, or under the Compulsory Composition Act of 1832. He defied any Member of that House to assert, that this Bill, with the proposed alterations which he had described, was not an improvement on the present law, and so far a benefit to the people. He repeated, if the Amendments were not carried in Committee, he would vote against the third reading—but because he felt anxious to see these improvements introduced into the Bill, he would support the Motion for going into Committee on the Bill.

Mr. *Shaw* had no objection to any course which might be for the convenience of the House, provided it did not involve a sacrifice of principle. He would not oppose the formal introduction of the new matter stated that evening by the right hon. Gentleman in order to its full discussion, but he never could agree to the omission *pro forma*, without the question being discussed and decided by a vote of the House, of the redemption and appropriation clauses—because they were of the very essence of the measure as first brought in by the Government—in short, all the rest of the Bill, and all that the Government now proposed to retain of it was, the mere machinery to promote redemption and appropriation, and thereby to abolish all yearly payment in the nature of tithe, by whatever name it was called, whether tithe, composition, land-tax, or rent-charge. To accomplish that object the friends of the Church had, although somewhat reluctantly, consented to vest the property of the Church, for the limited period of five years, in the Crown, as a private individual might his estate in trustees; that during that time the law might be enforced, the rights of property asserted, and then the whole restored to the Church again. On the other hand, the rent-charge was to be imposed after the same period of five years, as a strong inducement to redemption, while the most advantageous and tempting terms were offered by the Bill to the landlords upon which to redeem; but now the whole plan of the Bill was altered; all that was substantial in it was omitted, and nothing kept but its form and machinery—intended for a far different purpose, but to be used for that of divesting the clergy permanently of their property, and rendering the landlord liable to a perpetual irredeemable rent-charge. The Bill was most objectionable, and the conduct of Government evasive in the extreme—shifting their ground from day to day, and not having yet discovered any one principle, in respect of Church property, on which they could agree. Under these circumstances of indecision and vacillation, on the part of his Majesty's Ministers—seeing that the Bill was brought forward in a new form every night, so that one could not tell to-day in what shape it would appear to-morrow, he was not surprised that the right hon. Gentleman (Mr. Stanley) should feel disposed to agree with the hon. and learned member for Dublin, in postponing the measure altogether; but, admitting, as he did most willingly, that every respect and deference was due to the opinion of the right hon. Gentleman upon a question, in reference to which he had made a great and honorable sacrifice; yet he was very apprehensive, that by voting with the hon. and learned member for Dublin, a way of escape would be opened to the Government, of which they would gladly avail themselves from the vast and fearful responsibility they had incurred, by re-opening and re-agitating the whole of the tithe question in Ireland, and which was to have been permanently settled under the Act of 1832, introduced by the right hon. Gentleman, then Secretary for Ireland. He had never concealed his opinion, that the failure of the Government in their proceedings under what was called the 60,000*l.* Act, was attributable to themselves—first, because they expunged from the Bill the power of charging costs in any case, no matter how litigious or vexatious the resistance to a just demand; but, even after that difficulty had been overcome, and the force of the law had prevailed over the tumultuous resistance of those who systematically opposed it, came the act of unaccountable infatuation of the noble Lord (Lord Althorp) in declaring, at the very moment that the tithe was being universally paid in Ireland, that the Government would enforce it no longer. He did not mean to impute to the noble Lord personally any sinister motive in that declaration; but he verily believed, that it could alone have been induced by the wilful misrepresentations of some person or power acting behind the scenes, whose object was, to produce disturbance, and to prevent the settlement of Church-property in Ireland. The confusion caused by the noble Lord's declaration led to the necessity of the Million Act of last year, which he had always sincerely deprecated, as one of those miserable shifts and temporary expedients which it was vainly attempted to substitute for the ordinary law and the established rights of property. What he now dreaded was some similar device of the Government, for the purpose of enabling them to scramble over the present Session, and keep the ill-used and persecuted clergy of Ireland for another year in a state of cruel uncertainty and suspense. He felt the strongest objections both to the principle and details of the Bill at present proposed by the Government, as far as it was possible to understand it; though that was not easy, for it was as changeable, unfixed, and inconsistent, as Ministers themselves; but what he was desirous to avoid was, affording the Government an excuse for throwing up a measure which they were incompetent to conduct, and transferring to others the blame with which they themselves were most justly chargeable. Let them not suppose, that by now abandoning this Bill, they could restore matters to the condition in which they would have been if they had never introduced it. The great interests of society could not thus be made the sport of every idle speculation and ill-digested theory. If a Government used their influence to unsettle men's minds, in the expectation of great changes—to disturb the usual course of vested rights, and shake the foundations of property—they would be grievously deceived, if they imagined that, by the abandonment of the particular measure which had produced the evil, the evil itself would be remedied, and that the various relations of society could re-adjust themselves as if they had never been deranged. While he was persuaded, therefore, that the measure would fail in the end, he did not wish to enable Government to get rid of it in the indirect manner proposed by the hon. member for Dublin; but to leave the entire responsibility of such failure where it ought to rest—upon the Government themselves. He would consent to any postponement necessary for informing Members what was the last edition of the alterations proposed by Government; but he would certainly resist the withdrawal, as a matter of form, of the redemption and appropriation clauses.

Mr. O'Connell's Amendment was withdrawn, and the Committee postponed to a future day.

ROADS' ACT AMENDMENT (IRELAND) BILL.] On the Question, that the Speaker leave the Chair, to go into a Committee on the Roads' Act Amendment (Ireland) Bill,

Mr. *O'Connell* lamented, that there should be so much of legislation in gross ignorance of the state of the country in Ireland. There was no necessity for this measure, which would only tend to bring the police into continual collision with the peasantry. He hoped, that the right hon. Member would withdraw it.

Mr. *Littleton* replied, that the aim of this Bill was, to prevent the very circumstance to which the hon. and learned Member had objected. Much blood had been shed in affrays between the police and the peasantry, in consequence of the former impounding the stray cattle of the cottagers, and the measures which this Bill contemplated would, he thought, do away with this unfortunate state of things.

Colonel *Perceval* took a very different view of the nature and tendency of the Bill to that entertained by the hon. and learned member for Dublin.

Mr. *O'Reilly* said, that nothing was more likely to provoke the peasantry, and bring the Government of the country into odium than this species of petty legislation. Formerly a Magistrate, whose importance was offended by seeing a pig upon the road, might have had the pig taken to the pound, and thus the owner, at least, might be found out. But now a policeman might act in a much more summary manner. He put it to every Magistrate, who had ever attended Petty Sessions in Ireland, whether it was not better to give up these petty prosecutions? The unfortunate peasant could not live, if this system of legislation were pursued against him, and if every policeman and informer were allowed to harass the population in this manner, and by merely saying, "I saw such a one's pig, or such a one's cow, on the road," get the poor owner fined.

The House divided on the Motion for going into Committee: Ayes 72; Noes 25—Majority 47.

House went into the Committee.

On Clause 4 being put,

Mr. *Littleton* said, that in Ireland, according to the existing law, cattle found straying on the high roads were to be impounded. When the police, in discharge of their bounden duty, interfered to remove the cattle to the pound, the people resisted, and constant scenes of bloodshed were the consequence. The Lord-lieutenant seeing this issued an order, that the police should not interfere. It was then proposed to put an end to the pounding of cattle, and in lieu of the present penalty to inflict a small fine. If the fine were large, the object would be defeated, as the people would resist.

Mr. *O'Reilly* did not like legislation which operated exclusively against the poor. He knew a poor widow, the support of whose large family was a single cow that was allowed to graze on the road side, watched by an infant of five years old. To impound that cow, would be considered such wanton inhumanity that no policeman ever attempted it, and if he did, no Magistrate would sanction it. But if the present law passed, it would be imperative on the Magistrates to impose a fine which the widow could not, in all human probability pay. Gentlemen who had large demesnes, and contrived to improve them at the public expense, could afford to keep their cows off the road. He did not think the police should have the power of summoning poor persons for allowing a cow to graze on the road side, and keeping it locked up till the following day.

Mr. *Littleton* said, as the cattle should of necessity be pounded at present, there was no other way of getting over that evil than by adopting the present Bill.

Mr. *O'Reilly* said, that the police should be punished if they interfered wrongfully, and a provision to that effect should be introduced. He knew the pig-stye and cow-house to have been maliciously opened at night, in order that the animals might get out and be then impounded. Not only that, but the parties were kept for a long time without remedy or trial.

Mr. *O'Connell* said, that within the last six months, five hundred families were turned out to live or die by the ditches. The Magistracy were the cause of much of the calamities of the people.

Sir *Robert Bateson* said, as the hon. member for Dublin volunteered such sweeping accusations against the Magistrates of Ireland, he called on him and defied him to name the parties. He would contradict the hon. and learned Member in the strongest terms the English language would admit.

Mr. *Ruthven* said, Magistrates were in the habit of issuing blank summonses to be filled up by their underlings at their pleasure, and according to circumstances.

The Committee divided — Ayes 58; Noes 14; Majority 44.

Mr. *O'Reilly* must repeat the accusations of the hon. and learned member for Dublin against the Magistracy of Ireland, who used to levy fines for the sake of their favourites.

Major *Macnamara* said, that in his county (Clare) no such practice existed; and he would testify for the humanity of the landlords of that county.

Mr. *O'Reilly* said, that it was the severe conduct of those eulogised landlords which notoriously drove the peasantry of that county into the late insurrection.

The Bill passed through the Committee; the House resumed; and the Report to be received.

CENTRAL CRIMINAL COURT.] The House resolved into Committee on the Central Criminal Court Bill.

On Clause 17 being read, restraining the Quarter Sessions from trying certain offences,

Mr. *Hughes Hughes* said, he rose to propose the omission of two offences enumerated in the clause,—larceny from the person, and larcenies after a previous conviction. He moved their erasure upon distinct and different grounds. If the Sessions were capable of trying any offence, it was that of larceny from the person, which, in the district comprised within the limits of the Bill, would, in ninety-nine cases out of a hundred, be stealing a handkerchief from the pocket. Now, surely, the time of the Judges of the land might be better employed than in trying trivial cases of that description. His (Mr. Hughes Hughes') objections to the offence of larceny, after a previous conviction, being included in the Clause were these. A person brought before the proposed tribunal for that offence would, in a manner, be prejudged, being branded with a former conviction, but for which he would not be tryable in that Court but by the Sessions. Under one of the statutes known as Peel's Acts, the punishment on a second conviction was increased from seven to fourteen years transportation; but the fact of a former conviction was a separate issue to be tried by the Jury after the finding of Guilty of the offence charged in the indictment. The circumstance of its being a second offence did not make the case more difficult of decision by the Jury and Justices at Quarter Sessions. Another and serious difficulty he foresaw. The fact of a previous conviction of the prisoner could very seldom be known to the committing Magistrate, who must therefore commit to the Sessions; the discovery being made just previously to the trial, a re-committal to the New Court, and fresh recognizances of witnesses would become necessary, and, in half the instances in question, the consequence would be, that the prosecutor refusing to incur the additional trouble and expense, the prisoner would escape. For the reasons he had assigned, he moved the erasure of the two offences from the Clause.

The *Attorney General* agreed with the hon. Member, that larceny from the person was an offence, in the trial of which the superior Judges need not be employed, and he, therefore, consented to its erasure from the Clause. To the other proposal of the hon. Member he could not agree, because the second conviction of larceny was punishable with fourteen years' transportation, and because the Sessions would have power to try the case of a second offence sent to that Court by mistake, only that no mention must be made in the indictment, of the previous conviction, but it must be taken to be the prisoner's first offence.

Mr. *Hughes Hughes* said, that after the explanation the Committee had just heard; and if the hon. and learned Attorney General thought it expedient, in the case he (Mr. Hughes Hughes) had supposed, to forego the provisions of Mr. Peel's Act, so far as regarded a second conviction for larceny, he could have no objection to abandon that part of his Motion, and confine himself to the erasure of larceny from the person.

Amendment agreed to, as altered.

The other Clauses of the Bill having been agreed to,

Mr. *Hughes Hughes* said, he rose to move pursuant to notice, for leave to bring up a Clause to provide, that all and singular the enactments, powers, and authorities, made and given in and by the Act 4th George 4, cap. 48, for enabling Courts to abstain from pronouncing sentence of death in certain capital felonies, should be deemed to extend, and should extend, to the proposed Court. As many hon. Members might perhaps remember, he

(Mr. Hughes Hughes) moved, in the Parliament of 1832, for leave to bring in a Bill to the effect of his present proposition, and had the honour to be seconded by his Majesty's then Attorney General, the present Lord Chief Justice of England, who prepared and brought in the Bill with him, which passed the House of Commons, and literally had one opponent only in any of its stages; it was, however, thrown out in the House of Lords, in consequence of a difficulty which arose not upon the Bill itself, but upon an amendment proposed to be made in it. An additional reason for now making the enactment, which only sought to assimilate the practice at the Old Bailey to that which prevailed at the Assizes throughout the kingdom, of recording, instead of passing, sentence of death upon criminals not likely to be executed, might be urged from the circumstance, that the new Court would include certain districts of the Home Circuit, which enjoyed the benefit (for so he must consider it) of the Act to which he had referred. As he (Mr. Hughes Hughes) could not anticipate any objection to this humane proposal, he would not further trouble the Committee, but move, that the Clause be brought up.

The *Attorney General* had great pleasure in seconding the proposition, and begged to compliment the hon. Member on his perseverance in its introduction. It was certainly high time, that the solemn mockery of the Judge putting on his black cap, and formally passing the awful sentence of death upon criminals which were not to be executed, should be done away with at the Old Bailey, as it already had been in every other Criminal Court in the country.

Clause brought up, read, and agreed to, and added to the Bill.

The House resumed, and the Bill to be reported.

Poor Laws' Amendment.] Lord *Althorp* rose to move, according to notice, that the Order of the Day for the third reading of the Poor laws Amendment Bill have precedence of Notices on Tuesday. He believed, that this application was not an unusual one in Parliamentary practice, and he hoped, therefore, that hon. Members who had notices for to-morrow, would give way on the present occasion.

Mr. *Thomas Attwood* had made several attempts in the course of the present Session, to bring forward motions of which he had given notice, but had always been interrupted by some stop-gap Bill or other, like the present. As it was, he had a motion on the list for to-morrow; and, therefore, if the noble Lord persisted in his motion, he would do all in his power, by moving the adjournment of the House, to frustrate his intentions.

Mr. *Potter* complained of the speed with which the present measure was urged forward. It was only on Tuesday, that the amended Bill was put into their hands, and they had not had time to ascertain the sentiments of their constituents on the subject.

Mr. *Grote* hoped the noble Lord would persist in his motion.

Motion agreed to.

HOUSE OF LORDS,

Tuesday, July 1, 1834.

Minutes.] Bills. Read a second time:—Glasgow Lottery.

Petitions presented. By theEarl of Wicklow, from Clonard, against the Irish Church Commission.—By the Duke of Buccleugh, from the Parochial Schoolmasters of Kelso, for an increased Stipend.—By the same, and by the Marquesses of Downshire and Bristol, Earls Verulam, Brownlow, Wicklow, Howe, Warwick, Tankerville, and Falmouth, Lords Rolle, Farnham, and Kenyon, by the Archbishop of Canterbury, and the Bishops of Carlisle and Exeter, from a great Number of Places,—for Protection to the Established Church of England and Ireland, against the Claims of the Dissenters, against the Separation of Church and State.—By the Earl of Radnor, from a Dissenting Congregation at Salisbury, for Relief to the Dissenters.

Breach of Privilege—Morning Post.] Lord *Wynford* had a Petition to present from Thomas Bittleston, who was brought to their Bar yesterday, to answer for a breach of the privileges of that House. It was then understood that, upon a proper application being made to their Lordships by that individual, they would be disposed to extend to him that mercy which it was the custom of their Lordships to evince towards every individual who showed, that he was sensible of the error of his conduct in giving their Lordships offence. He had such a petition to present couched in terms the most respectful, and expressive of his regret for the violation of their privileges of which he had been guilty. The noble and learned Lord read the petition, and moved that Thomas Bittleston be called to the Bar, reprimanded, and discharged.

Earl *Grey* did not wish to act with unnecessary harshness, but he thought the Motion of the noble and learned Lord was not in exact accordance with the precedent established in the case of a libel upon a noble Lord opposite (Lord Limerick), and it was understood that that precedent was to be followed in this case. Upon that occasion, he believed, the individual was not discharged upon the day upon which his petition was presented, but on the following day. The noble Earl read from the minutes the entry in the case of Mr. Lawson's petition for his discharge from the custody of the Usher of the Black Rod: "It was moved and carried after debate that this petition be taken into consideration to-morrow, and that the Lords be summoned." The proper course, therefore, for the noble and learned Lord would be to move that the petition of Mr. Bittleston be taken into consideration to-morrow.

Lord Wynford acquiesced, and moved accordingly.

Question carried.

The Duke of *Cumberland* begged to state, that he perfectly agreed with his noble and learned friend in the course he had taken. He admitted unequivocally that the article which had occasioned their Lordships' displeasure was a libel upon the noble and learned Lord upon the Woolsack, but, at the same time, he must say, that it would, in his opinion, be unjust and cruel in their Lordships to punish Mr. Bittleston more severely than they had punished the other person for a libel on a lay Lord. He might be wrong; but he could not consider that the Lord Chancellor was to be considered in a case of this kind as anything more than any other Peer. He maintained, that if the character of any other Member of that House had been similarly attacked, that Member would have an equal right to complain, and to an equal measure of punishment upon the offender, as the noble and learned Lord.

The *Lord Chancellor* said, he should not be discharging his duty to their Lordships if he passed over the remarks of the illustrious Duke without observation. He felt himself called on to place his opinion most decidedly against the opinion of the illustrious Duke. He would not be deterred by any motives of personal delicacy—he would not be prevented by any feeling with reference to himself, from stating his opinion, and he believed that it was also the opinion of every impartial person in that House and in the country, that the present was an offence tending directly to impede the administration of justice—an offence which, if allowed to be passed over as a matter of course, that House would no longer be a Court of Justice. Very soon, indeed, would their Lordships in that case cease to administer justice in the last resort. Was it to be endured, that those who assisted their Lordships in deciding cases of the greatest difficulty, decisions at which every one of their Lordships had a right to give his opinion, but in arriving at which the law Lords were most able to lend effectual assistance —and God forbid that he should ever see the day when lay Lords should transact all the judicial business of that House without the assistance of law Lords—was it to be endured that the conduct of those who thus assisted their Lordships should be grossly libelled and misrepresented, while little or no notice was to be taken of the offence? In the present instance, it was not a common offence that had been committed—it was not a mere attack upon an individual Peer, but an attack made upon a legal functionary with respect to the discharge of his legal duties. What was the charge? A charge of forgery—a charge of fabricating a fraudulent entry. And who was the individual charged? The first Law Officer under the Crown—the first Officer in their Lordships' House—yes, the Speaker of their Lordships' House—he it was, who was charged with fabricating one of their Lordships' records for a personal and most unworthy purpose. This, assuredly, was very different from a charge brought against an individual Peer in his private capacity. But what he chiefly rose to notice was the allusion made to the extent of punishment by the illustrious Duke. The illustrious Duke said, that there should be no greater degree of punishment awarded in this than in a former case—that it would be cruel and unjust to punish this individual more than another person had been punished. The illustrious Duke seemed to think because Mr. Lawson had only undergone one or two days' imprisonment, that, therefore, any breach of their Lordships' privileges ought to be visited with punishment merely to that extent. Was that, then, to be the actual amount of punishment in all cases? [The Duke of *Cumberland:* No, no.] If the illustrious Duke did not say so, he had misunderstood the illustrious Duke, and sure he was that a large body of their Lordships had misunderstood the illustrious Duke also. He believed the illustrious Duke had said, that it would be unjust to give this man more punishment than had been inflicted on the individual who had been brought before their Lordships some time since. Now, upon that point all he should say was, that every case must be taken on its own individual merits—it must be judged by its own peculiar circumstances. And he did not by any means say, or intend to say, that though he should concur to-morrow in the Motion for liberating this individual (and be it remembered he had made a Motion of the same kind last night, and if he could have had his will that person should not have been taken into custody at all) — but when his noble and learned friend made his Motion, and when that Motion was supported by him, he did not mean thereby to say, that he should not consider it fit and proper to refuse his concurrence to a similar proceeding hereafter, if another case came before their Lordships, because, as he had before said, every case must stand on its own especial grounds.

The Duke of *Cumberland* should not have addressed a single word to their Lordships if he had been aware that the question of adjournment till to-morrow had been carried. He did not mean to recall anything he had stated. He did not deny the power of that House to deal with offenders against its privileges as it pleased. God forbid he should deny their power; and if he had been so understood, he begged distinctly to disclaim any such intention. What he meant to say was this:—That as the Lord Chancellor had so often told them that in that House he was no more than any other Peer, he thought that no distinction should be made between a libel upon the noble and learned Lord and any other Member of the House. All he asked of their Lordships was, that they should adopt the words of the noble and learned Lord himself, and treat him in this case just as they would treat any other Member of the House. If in this he were wrong, he was sorry for it; but he could not retract an opinion conscientiously entertained. He did not mean to defend the libel upon the noble and learned Lord; but he would maintain, that when the individual wrote the libel in question, he really thought that their Lordships' minutes had been falsified.

The *Lord Chancellor* was afraid the illustrious Duke had misunderstood him. He had not intended to say that an attack upon the Chancellor was a greater offence than an attack upon any other Peer; but that an attack upon him in his judicial capacity was an offence of a graver nature than an attack upon the individual character of any Peer. He would suppose his Royal Highness, or any other Member of the House, had been attending a case judicially brought before them, and a newspaper were to impute to his Royal Highness, in the part he had performed, corrupt motives, or that he had falsified the entry on their Lordships' minutes. That would be a parallel case, and in such a case his Royal Highness would have been as grossly libelled as he had been. This was his meaning, and the only distinction he had intended to draw.

Earl *Grey* expressed his regret at the discussion which had arisen, and that he should prolong it by a single word. He could not, however, allow to pass unnoticed the observation, that this was a case merely of personal libel, and that an attack upon the Lord Chancellor should be regarded in the same light as an attack upon any other Peer. He did not find fault with the noble and illustrious Duke for stating the opinion he entertained; but for himself he must protest against that opinion in the strongest manner. He could not but express his astonishment at such a doctrine. He was willing that the present offence should be visited with the most mitigated punishment; but if he were to refer to former cases of similar offence, he should be able to show how much more severely that House had visited breaches of its privileges of a nature much less grave than the present. In the year 1798 a case was made against the *Morning Chronicle* for a purely political libel upon that House, one which in the present day would be thought very innocent. What was the sentence of the House upon that occasion? "It was ordered by the Lords Spiritual and Temporal, in Parliament assembled, that the said James Perry, for the said offence, do pay a fine to his Majesty of 50*l.*, and that he be sent a prisoner to Newgate for the space of three months, and until he shall have paid the said fine." With this precedent of the punishment inflicted by the House for an offence of a much less aggravated nature, he thought no one with justice could say, that the punishment of the petitioner was one of undue severity.

Suppression of Disturbances (Ireland.)] Earl *Grey* assured their Lordships, that he had never, upon any occasion, felt more regret than on finding himself under the necessity of proposing to their Lordships the renewal of the Coercion Act. It was an Act which was justified only in a case of the best authenticated and most cruel necessity; but when that necessity was made to appear, he should be unworthy of being a Member of their Lordships' House, and still more of holding a seat in his Majesty's Councils, if he hesitated to recommend the renewal of that measure, when he believed it necessary for the maintenance of the public peace in Ireland, and even the safety and security of his Majesty's Crown. In the last Session of Parliament it had fallen to his lot to propose to their Lordships the Act which he now had to move that they should renew. It would be painful for him to repeat the statements which he had then made to show the unsettled and disturbed situation of Ireland at that time, and which, in the opinion of his Majesty's Government, justified them in passing the measure. He might, however, mention, that such was their Lordships' opinion of the state of Ireland, that they unanimously agreed as to the necessity of the measure; and in the other House of Parliament, a great majority of the Representatives of the people were of the same opinion. Indeed, so decisive was the majority in that House, that on every division which took place on the different clauses of the Bill, the majority was as four to one in favour of the measure. This being the case at the period of passing the measure, in rising to propose the renewal of this severe Act, the first thing that would be expected from him was, to show in what manner the Act, while in operation, had been found to work; and if their Lordships were satisfied that it had worked beneficially for the peace of Ireland, then it would become his duty to show, that the state of that country still continued such as to require a renewal of the measure; that the spirit of insubordination existing there, was such as to require additional powers to be given for the support of the Government, and that the ordinary powers of the law were no longer sufficient to preserve the public peace. Wishing to trouble their Lordships as short a time as he possibly could in introducing this measure, he should proceed at once to show, in the first place, what measures had been taken by the Government under the Act; in the second place, to point out the manner in which the powers given under the Act had been applied; and, lastly, to show what the state of Ireland was at the present moment. Under the provisions of the Act, four districts of the county of Kilkenny had been proclaimed on the 6th of April, 1833. The second place where it was brought into operation was in the King's County. Four baronies in that county were proclaimed on the 14th of April, 1834. It was next brought into operation in the county of Westmeath, where four baronies were proclaimed on the 4th of May, 1834. And lastly, the baronies of Longford and Leitrim, in the county of Galway were proclaimed, in consequence of an unanimous application of the Magistrates of the disturbed districts, on the 26th of May, 1834. These were the only four districts in which it had been found necessary, by the Government of Ireland, to bring the Act into operation. He felt, that it was only an act of justice towards the noble Lord at the head of the Government in Ireland, as well as towards the Government itself to say, that they had shown, in exercising the extraordinary powers given to them by this Act, great forbearance and moderation, mixed with great firmness. They had never applied it but in cases where the application of it was clearly and undoubtedly necessary; and where it was found necessary, from the state of the districts to which he had alluded, that it should be applied, it was done in a manner as little severe as possible. As he had stated, the Act was first brought into operation in the county of Kilkenny, on the 6th of April, 1833. He had before him a statement of the crimes in that district from the 1st of April, 1832, to the 1st of April, 1833; and also from the 1st of April, 1833, to he 1st of April, 1834. In the former of these periods—that was, from the 1st of April, 1832, to the 1st of April, 1833—the outrages committed amounted to 1,590. That was previous to the Act coming into operation. The county was proclaimed on the 6th of April, 1833, by the Privy Council, and the provisions of the Act came into operation on the 10th. In the period from the 4th of April, 1833, to the 1st of April, 1834, which was after it came into operation, the number of outrages amounted only to 331, which was a diminution of 1,259, as compared to the former period. This showed the salutary effects of the Act in that district, and must be satisfactory to their Lordships. This account was given by Mr. Green, a resident Magistrate in Kilkenny, in a letter to Lord Wellesley, dated April 19, 1834. Mr. Green said, in his letter, that he is of opinion, "that notwithstanding this diminution of the amount of crime, the operation of the Act cannot be safely suspended; and that, were the Act to expire, the winter would be one of continued outrage." In a subsequent communication from Mr. Green, dated May 13, 1834, and written by him in answer to certain queries addressed to him by the Government, he says, that "agitation had not been attempted in the county or city since the proclamation;" and he added, that "the provisions of the Bill had been exercised without imposing the slightest restraint or hardship on the people by day or night, when pursuing their honest and ordinary calling;" and he added, that "his orders on this head had been strictly obeyed." This must also be highly satisfactory to their Lordships to hear. The same intelligent gentleman, in a subsequent letter, dated the 4th of June, 1833, and addressed to Sir William Gossett, stated, that "only one person was in confinement on the 4th of June, under the Coercion Act, but that the greatest anxiety prevailed among all classes, as the time for the expiring of the Act drew near, to have it renewed." This showed, in the first place, that the Act had been applied in districts where it was required; secondly, that it had had a salutary effect; thirdly, that the manner in which the extraordinary powers given by it were employed, was lenient; and, lastly, that the people in the districts where it was applied, depended on a renewal of the Act for safety. Mr. Green added, in another letter to Sir William Gossett, dated June 15, 1834, when speaking of the effect of the Act as to expense:—"Notwithstanding the proclamation of the county, the constabulary force of the county has been diminished by two chief constables, and sixty peace-preservation police; that of the city, by ten policemen; being a saving of expense to the amount of 1,480*l.*" The next of the proclaimed districts, was King's County. In it, five baronies were proclaimed on the 14th of April last. During the month of March preceding, the number of crimes reported amounted to seventy-three; twenty-three being for attacks on houses, fourteen for illegal meetings, ten for appearing in arms, and seven for administering unlawful oaths. Of these crimes, fifty-four were of an insurrectionary character. During the month of April, the total amount of crimes reported was eight, four being previous to the proclamation. Thus, in the month of March, the total amount of general crime was seventy-three; while, in April, it was only eight, being a diminution in the month subsequent to the proclamation, of sixty-five; and the amount of crime of an insurrectionary character was, in the month of March fifty-four, and in the month of April only eight, being a diminution of forty-six. This showed both the necessity of applying the Act in this district, and the salutary effect which ensued from it. He was sorry, however, to say, that the diminution in the amount of crime did not continue; for he found in May there was a general increase of crime, from eight, the number in the preceding month, to twenty-nine. But of these, only five offences were of a political character. From this it appeared, that the amount of general crime in March was seventy-three, while, in May, it was twenty-nine, being a diminution of forty-four; and the amount of crimes of a political nature in the former period was fifty-four; while, in the latter period it was only five, being a diminution of forty-nine. Then, with regard to the baronies which were proclaimed in the county of Westmeath. It appeared, that they were proclaimed on the 4th of May. The crimes reported during the month of April preceding were twenty-one, while the amount during the month of May, when it was a proclaimed district, was only three, being a diminution of nineteen. The last of the proclaimed districts were the baronies of Longford and Leitrim, in the county of Galway. They were proclaimed in consequence of the unanimous resolution of twenty-three Magistrates, on the 26th of May, 1834; and it appeared, that from the 1st of April to the 25th of May, twenty-two outrages were committed in those baronies, some of them of a very serious nature. But no account had been received since the proclamation, the month not being yet completed. He was unwilling to take up so much of their Lordships' attention by reading these statements, but it was necessary, that their Lordships and the public should be satisfied of the necessity of renewing this Act, and he therefore claimed their indulgence. He would read a statement of the state of Ireland which he had extracted from papers which he had his Majesty's commands to lay on their Lordships' Table. The noble Earl read the following statements:—

STATE OF IRELAND DURING THE MONTH OF MAY, 1834.

Showing the total number of crimes, of every description, committed during that period; also distinguishing those of a political or insurrectionary character; and showing the increase or decrease as compared with the preceding month and the corresponding month of last year.

Province of Leinster.

Crimes of every description—		
Committed in April, 1834	302	
May, 1834	325	
Increase in May,		23
Committed in May, 1833	265	
May, 1834	325	
Increase in 1834		60
Crimes of an insurrectionary nature—		
Committed in April, 1834	169	
May, 1834	117	
Decrease in May		52
Committed in May, 1833	143	
May, 1834	117	
Decrease in 1834		26

The principal decrease since the month of April being in — Attacks on Houses (decrease)	15
Burnings, &c.	14
Illegal Notices	27
Decrease under these three heads	56

The counties of Carlow, Louth, and Wexford, appear almost quite free from crimes of an insurrectionary character. Two cases only being reported during the month of May in the two first, and three in the last; all of a trifling nature.

In Kilkenny (proclaimed), there appears a decrease of crime of every description, from fifty in the month of May, 1833, to thirty-six in the month of April, 1834; and thirty-one in May, 1834. Of these, forty-three are reported in May, 1833, as being of a political character; twenty-six in April, 1834; and only thirteen in May, 1834; being a decrease in crimes of this nature of thirty, since the corresponding month of last year.

In King's County, political offences had decreased from fifteen committed in May, 1833, to five committed in May, 1834. Five baronies of this county are proclaimed.

In Westmeath, the decrease in the number of political crimes since the proclamation of three baronies, on the 5th May last, is very great. The number of such offences reported in April being forty-four; in May (of which five were committed prior to the proclamation), 19; being a decrease on the month of 25.

Queen's County appears in the worst state; there being an increase both of crime in general, and those of a political character. Of the latter, twenty-three are reported in May, 1833; twenty-nine in April, 1834; thirty-four in May, 1834; showing an increase of five in the month, and eleven on the same month of the previous year. Sir S. Harvey thinks (June 7th, 1834), that the provisions of the Act would be usefully extended to this country.

*Province of Munster.**

Crimes of every description—		
Committed in April, 1834	162	
May, 1834	171	
Increase in May		9
Committed in May, 1833	54	
May, 1834	171	
Increase in 1834		117

The principal increase being in assaults and larcenies.

Crimes of an insurrectionary character.—		
Committed in April, 1834	56	
May, 1834	28	
Decrease in May		28
Committed in May, 1833	27	
May, 1834	28	
Increase in 1834		1

The principal decrease in crimes of this nature since April, is in assaults, attacks upon houses, and burnings, and attempts at ditto.

The county Cork appears quite quiet; no case of an insurrectionary nature being reported during the month. In April, there were seventeen in the county and city. Of the fifty-seven crimes of other descriptions reported from the county and city during the month, few appear of a serious nature.

Kerry is also described as in a most satisfactory state; only twenty-eight crimes being reported, and, of these, only one being of a political character.

Limerick and Waterford show a diminution of one-half in the number of political offences since April.

Tipperary is in much the same state as it has been in for the last year, the number and nature of the political offences varying little. The scene of them is described as changing: some baronies, which were disturbed, having become tranquil; and in others, which were quiet, crimes having become more frequent.

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* A great part of the apparent increase of crime in this province, in the year, 1834, proceeds from the fact, that the county of the city of Cork has been brought, for the first time, under the constabulary system, and is, for the first time, inserted in the Inspector's report.

Province of Connaught.

Crimes of every description—		
Committed in April, 1834	556	
May, 1834	618	
Increase in May		62
Committed in May, 1833	534	
May, 1834	618	
Increase in 1834		84
Crimes of a political nature—		
Committed in April, 1834	105	
May, 1834	100	
Decrease in May		5
Committed in May, 1833	72	
May, 1834	100	
Increase in 1834		28

Leitrim, Mayo, and Clare, with the exception of two baronies, are described as being in a tranquil state.

Galway is described as being considerably disturbed, and the crimes of a political nature though showing a decrease of twenty-five since April, are more numerous than in any other county in Ireland, forty-three being reported during the month of May. No great change in this county since last year.

Both Roscommon and Sligo show an increase in the month of May in the former county, crimes of a political nature having increased from ten in the month of April, to fourteen in the month of May, and in the latter from fourteen to twenty-nine; both counties also exhibiting a considerable increase in crimes of this description over the corresponding month of last year.

Province of Ulster.

Crimes of every description—		
Committed in April, 1834	430	
May, 1834	488	
Increase in May		58
Committed in May, 1833	252	
May, 1834	488	
Increase in 1834		236

Of this increase, one-half consists of cases of assault, unconnected with Ribandism.

Crimes of a political nature—		
Committed in April, 1834	66	
May, 1834	60	
Decrease in May		6
Committed in May, 1833	33	
May, 1834	60	
Increase in 1834		27

Attacks upon houses form the principal item of increase since last year.

The counties of Antrim, Down, Tyrone, Londonderry, and Fermanagh appear quite tranquil; in the three former no political outrages being reported during the month of May, and in the two last only three.

Donegal and Armagh are in an improving state, insurrectionary offences having decreased since April; in the former from twenty-four to eight, in the latter from sixteen to three.

Monaghan alone shows an increase in these crimes, the number in April sixteen, in May twenty-four; the increase being in attacks upon houses.

Assault and larcenies form the chief items of the great increase in crimes of every description since last year.

General statement of political and insurrectionary offences during the months of May, 1833 and 1834—

	1833	1834	Decr.	Incr.
Province of Leinster	143	117	26	0
Munster	27	28	0	1
Connaught	72	100	0	28
Ulster	33	60	0	27
Total Ireland	275	305		30

The total amount of crimes reported officially in Ireland, from the 1st of January, to the 31st of May, 1834—

Ulster	2,083
Leinster	1,866
Connaught	3,038
Munster	882
	7,869

Of these 3,296 are cases of assault, unconnected with Ribandism.

Those reported of an insurrectionary, &c., character, amount to, in

Ulster	300
Leinster	963
Connaught	478
Munster	212
	1,953

In Ulster little more than one-seventh, in Connaught less than one-seventh; in Munster one-quarter appear differences of an insurrectionary character, while in Leinster upwards of one-half are of that nature.

By a comparison with the reports for the corresponding period in the last year, it appears that in the first five months of the present year, there has, in the provinces of Ulster, Connaught, and Munster, been an increase of crime on the aggregate, and in the province of Leinster a decrease to the following extent, viz.—

	Increase.		Decrease.
Ulster	603	Leinster	1306
Connaught	200		
Munster	424		
			1,227
Making a decrease on the whole of			79

To make the case clear to their Lordships he would state the opinion of the authorities in Ireland, the best qualified to form an opinion as to the renewal of the Act. He had a letter in his hand addressed by the Lord-lieutenant of Ireland to the Secretary of State, dated 18th of April. His Excellency stated, that he enclosed the replies of the inspectors-general of the provinces to queries addressed to them in regard to the renewal of the Coercion Act, and that from them it would be seen that they were unanimously in favour of its being renewed. He added, that it was almost superfluous to say, that he approved of the opinions stated by them, and that he anxiously desired to see the Act renewed. The queries addressed to the Inspectors General were simply: 1st, Whether there was any necessity for the renewal of the Coercion Act? and 2ndly, Whether in their opinion any alteration was required in it? The answer of the Inspector General of the province of Ulster was to the effect, that that province had, previous to the Coercion Act, been unsettled and lawless, that the greatest advantage had been derived from the Act, and more especially from that clause which prevented nocturnal meetings, which he thought had done more to restore tranquillity than any other part of the Bill. The next answer was from Mr. Warburton, the Inspector General of Connaught, who stated, that his opinion was, that the Act should unquestionably be renewed; that it was to nocturnal meetings that most of the disturbances were to be attributed, and that the part of the Act which prevented them was the best in it. He was satisfied, that if the county of Kilkenny had not been proclaimed, the disturbances which had been so prevalent in it would have been spread over all the neighbouring counties, where they could not have been so easily repressed. He thought that the Act ought to be renewed, and that it required no amendment. The next answer was from the Inspector General of Munster, who stated, that from the moment of the introduction of the Bill into Parliament, it was of good in that province, from the moral influence which it had over the people. While the well-affected acquired confidence and security from it, the turbulent were overawed and disheartened; and he thought that Ireland would be in a much worse state if it were not renewed. The next document to which he would refer was a statement made by Inspector General Harvey. He said, 'The Baronies of Garrycastle, Eglish Ballybrit, and Ballobay, are under the nightly dominion of an illegal anti-social union or combination, in which his Majesty's peaceable subjects are exposed to acts of violence, robbery, savage threats, personal injury, reckless cruelty, and inhumanity, such as are unknown in moral civilized countries, and which it is obviously impossible for the authorities effectually to suppress, without being armed with powers which, in countries where the law is habitually respected, might be deemed an infringement of the liberty of the peaceable subject, but which are here indispensably required for the purpose of maintaining him in the possession of that liberty, and of affording him that protection in his person and his property, which all who submit to the laws have an undoubted right to require from the government by which they were administered. It is for these objects that I respectfully solicit for the civil authorities within the baronies in question the temporary possession of those powers, which can only be conferred upon them by the Bill passed in April, 1833. By the exercise of these powers alone, in the present state of certain parts of this district, can the Government, in my opinion, effectually afford to his Majesty's peaceable subjects that protection which they have a right to claim, or restrain and punish the authors of those excesses by which social order is disturbed, and law and authority set at defiance.' He had now described the general state of Ireland, and the particular state of those districts which had been proclaimed, with the opinions of the magistrates and other authorities in the four provinces of Ireland, as to the necessity of renewing the Act of 1833. When he considered what was the nature of the statements which he had made, he thought he might anticipate their Lordships' unanimous concurrence in the opinion which had been given by various officers, that the renewal of this Act was absolutely necessary, and that, in fact, the powers which it afforded could not be dispensed with. It would be a question, however, whether they might safely withdraw any part of the extraordinary and severe powers of this Act. He deeply lamented the necessity of applying to their Lordships and to Parliament to grant powers of this nature, but it could not be said that those powers were disproportioned to the extent of the evils which afflicted Ireland, and which were so alarming at the time when he first called on their Lordships to adopt this measure. The question would now be whether the Act should be renewed in its present state, or whether any part of those powers should be dispensed with. He could assure their Lordships that this question had been examined with the most anxious attention by his Majesty's Government, with a view of relaxing in some measure the severity of those powers, and he was happy to say, that they had come to the conclusion, confirmed by the opinions of the Lord-lieutenant and other official authorities of Ireland, and also by a communication with some of the most efficient Magistrates in the country, that a part of this Act might be dispensed with. He alluded to that part which gave the Lord-lieutenant the power of subjecting offences committed under the Act in certain places to trial by Court-martial. Their Lordships would recollect that it was stated last Session, that that power was of an extraordinary nature, and that, although it was then expedient to enact it, yet it should not be continued for a longer period than the state of Ireland absolutely required. That part of the Act called forth the greatest opposition, and was considered the most objectionable; and it was, therefore, with great satisfaction, that he proposed to their Lordships the omission of the Court-martial clauses in the act of which he was about to move the renewal. He had stated to their Lordships, that they had sufficient grounds, and the opinions of the best authorities, for the conclusion to which they had come; and their Lordships had heard statements which he thought justified that conclusion. But he would trouble them with another document, a letter written by Lord Oxmantown, on the 9th of April, 1834; and in mentioning that nobleman's name, he could not refrain from observing that the greatest praise was due to him for the excellent manner in which he discharged his magisterial duties, and for his judicious exercise of those powers, which he had not shrunk from recommending, under circumstances of great difficulty and danger. The noble Lord, after giving, in the letter to which he had referred, an account of the state of the districts which had been proclaimed, proceeded as follows:—“Under all the circumstances which I have stated, the measure which I feel it to be my duty to recommend Government to adopt is, to proclaim the barony of Garrycastle under the 3rd William 4th, without delay, and to direct that the misdemeanors thus created should be tried by the ordinary tribunals of the country.” As to the power of the Quarter Sessions to try such offences, he had great satisfaction in stating, that the Government had taken the opinions of the Attorney General of Ireland, and the Attorney General of England, who gave it as their distinct opinions, that the Quarter Sessions had such power to try ordinary cases. There were other parts of this letter extremely worth reading, particularly one part, which showed the effect of the proclamations in preventing the spread of offences to districts which lay beyond the bounds of the county to which the proclamation applied; but as he had already trespassed longer than he ought upon their Lordships' attention, he did not think it necessary to quote any more. He had great satisfaction, however, in thus showing, that when he proposed a relaxation of the severity of the law, as it related to trials by Courts-martial, he was proposing a relaxation which was justified by circumstances, and which would not in any degree diminish or impair the general efficiency of the measure. With the single exception he had mentioned, namely, that part of the Act which subjected offences to be tried by Courts-martial, it was his intention to present to their Lordships a Bill which he hoped they would read a first time that night—to renew the Act of last Session, with all its other provisions. Those provisions might be classed under three heads. The first were those that protected property, and went to the preventing of those meetings which might assume a dangerous character, and which it was known were conducted in such a manner as to be injurious to the public peace. The powers for that purpose were contained in the three first clauses of the Act, commonly known as the Proclamation Act, which was passed in 1829, and which it was the intention of his Majesty's Ministers to renew, but which expired in consequence of the sudden dissolution of Parliament. The next head in which the provisions of the Bill were divided consisted of those which related to nocturnal meetings and acts of spoliation and violence; for the effectual control and prevention of which, as was proved by the four districts of Ireland to which the Act had been applied, the powers given by this Bill would be sufficient. He thought he had stated enough to convince their Lordships of the expediency of intrusting the Government with these powers; and, with respect to the provisions included under the first head which had been mentioned by him, it seemed to him that, no difficulty could be experienced in proving the necessity of their re-enactment; for if it were necessary to put down with the strong hand of the law those combinations and excesses which assumed an insurrectionary and almost revolutionary character, surely it was no less indispensable to meet by legislative enactments the causes by which those combinations and excesses were produced. He knew, that a distinction was made between predial outrage and political agitation. He was not ignorant, that it had been contended that the one had no connection with the other; and that, in fact, there existed between them a total distinction. The existence of any such distinction he could not admit: nor did he believe, that any man who had attended to the state of Ireland, and who had watched with an impartial, calm, and philosophical eye the general workings of human nature, could come to the conclusion that a perpetual system of agitation and excitement could be pursued; that the passions of the people could be inflamed, their prejudices courted; that they could be continually reproached as slaves submitting to an oppressive and unjust tyranny, which they ought to oppose—it was impossible, he repeated, for any one to suppose that these political harangues, as they were called, could be addressed to the people without stirring up among them a general spirit of resistance to the constituted authorities, and of disobedience to the laws, which broke out in excesses, such as had been witnessed in Ireland, and which it was the object of the measure he recommended their Lordships to re-enact, to prevent. These excesses might not have been intended by those who, by pursuing a system of agitation, had been the authors of them. They might have exceeded the limits within which those persons desired to see them confined; but they ought to know that having once excited the passions of the people, it was impossible for them to answer for the result. He therefore thought, that it was not the part of a wise legislature, or of a just and humane man, to enact severe laws against such crimes as had unfortunately been witnessed in Ireland, and to neglect taking measures which might in a great degree meet the causes which had produced them. It was true the powers of the Act, in this respect, had not been exercised since it was passed, except in two cases of proclamation on the 10th and 17th of April, 1834—the first against the association of the National Political Trades' Union; and the second against the Association of the Irish Volunteers. It was true, also, that meetings had taken place, and subjects had been discussed, of which their Lordships must disapprove, and particularly one subject which, above all, had been pronounced by Parliament as of a most injurious and fatal tendency—he meant, the Repeal of the Union. Meetings for this purpose had been held, and petitions had issued from them—which was a proof, at least, that the Government did not wish to interfere except in cases of actual necessity. They had let such meetings assemble under the ordinary powers of the Constitution, and suffered them to take their course, so long as they did not assume the character of a formidable combination, threatening the peace of the country. But, although the possession of these extraordinary powers had not induced the Lord-lieutenant to prevent those meetings, which had different purposes in view from those of the associations, which were the objects of the Proclamations of the 10th and 17th of April, he would ask their Lordships whether, looking at the state of Ireland, they would think it safe to suffer such proceedings to be continued? and if not, whether they did not consider it their duty to arm the Government with these extraordinary powers? He asked whether it would be safe to leave the Government unprovided with the means of checking the proceedings of a central association in Dublin, sitting as a Parliament, with all the forms of a Parliament, directing other associations connected with it throughout all parts of the country, and enjoining a general organization for the avowed and undisguised purpose of carrying into effect measures which must be subversive of the security of the country, and destructive of all peace, order, and law? He could not think, that their Lordships would answer in the affirmative to this question. He could not think but that they would see it was necessary the Government should be provided with power to check in time an association which must be dangerous to the public peace; and, from the statements he had made, he hoped he might say, with some degree of confidence on the part of Government, that, if their Lordships intrusted these powers to their hands, their Lordships had a security in their former conduct that it would not be abused. It was not necessary to detain their Lordships much longer; and he hoped that, after what he had stated as to the general condition of Ireland, and as to the effect of this law, where it had been carried into execution, with respect to insurrectionary offences, and that important branch of it which went to prevent political meetings, he might venture to solicit, that the Bill might meet with favour in their Lordships' eyes, so far as that it might be read a first time to-night. There remained only one point to which it was necessary for him to revert, and that was the time for which the law should be renewed. He wished he could judge that, within any very short or given period, the state of Ireland was likely to be such as to remove the necessity of these or similar powers, to strengthen the hands of the Government against the offences contemplated by this Bill. But although he could not hold out such an expectation, yet he certainly thought that, in a case of this nature, when great and extraordinary powers were given to the Government, it should be for a limited and short time, so as to give to the country a security that they must, of necessity, be brought under the revision of Parliament, which should be enabled to examine in what manner those powers had been exercised, so as to form a deliberate judgment as to the necessity of resorting again to any similar measures, according to circumstances. He should, therefore, with this view, propose the extension of this Act only to the 1st of August, 1835, being an additional year from the time when it would expire, and he trusted their Lordships would feel that, while his Majesty's Government were endeavouring to provide against those dangers which called for extraordinary enactments, at the same time they were not inattentive to the principles of the Constitution, but were desirous of bringing the subject under the attention of Parliament at this early period, not only to enable them to consider of the necessity of renewing it, but also to examine into the conduct of those who had carried it into effect. He had detained their Lordships longer than he could have wished, but he was anxious that the conduct of his Majesty's Government and the nature of the measure should be thoroughly explained, particularly as to the point in which this Bill differed from the Act of last Session. The noble Earl concluded by moving, "that the Bill be read a first time."

The Earl of *Wicklow* could not withhold his humble meed of approbation from the speech of the noble Earl, not only on account of the clear and satisfactory manner in which the noble Earl had brought the subject before their Lordships, but also for the honest and manly course which he had taken when he thought it his duty again to come forward and perform what must be to him a most disagreeable and painful task. He fully concurred in the Motion of the noble Earl, but he would beg to remind the noble Lord, that the reason given on a former occasion for creating Courts-martial, was the inefficiency of the Juries of the country. If his Majesty's Government had received any information which led them to believe, that the Juries were now prepared to perform their duty in a manner in which they were not able last year to discharge it, he regretted that the noble Earl had not taken an opportunity of stating it.

Earl *Grey* had intended, but had forgotten to do so. He had certainly stated that, in the opinion of competent persons, the quarter sessions would be the proper tribunal to investigate offences under the Bill; and he could add, that recent trials had shown, that Juries were not now deterred from doing their duty.

The Earl of *Wicklow* said, that the Bill in its mitigated shape must give satisfaction. He would beg leave to observe, however, that it was last year accompanied by a Bill for the change of venue, and when he urged that the latter Bill should be continued for five years, the answer of the noble Earl was, that it would be better it should be enacted only for the same time as the Coercion Bill, and that it should be open for Parliament again to consider it. He hoped the noble Earl had turned his attention to this point.

There was one more subject upon which he wished to say a word. It had been trumpeted forth by all the declaimers upon the ills of Ireland, that there was one only cure for the disturbances of that country —namely, the tithes, and that, if that cause were taken away, there would be no occasion for Coercion Bills, nor soldiers to enforce them. Now, it appeared from the noble Earl's statement, that the disturbances had not materially decreased, except where the Bill was in force, and yet the tithes had not, during the whole time, been collected, or demanded in Ireland. This proved that tithes were not the cause of the disturbances.

The Bill was read a first time.

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HOUSE OF COMMONS,

Tuesday, July 1, 1834.

MINUTES.] Petitions presented. By Lord TULLAMORE, from three Places, for Protection to the Established Church; from Falmouth, for the Better Observance of the Lord's Day.—By Mr. POULETT THOMSON, from Manchester and Salford, for the Repeal of the Stamp Duties on Receipts.—By Dr. LUSHINGTON, Mr. VIGORS, and Sir SAMUEL WHALLEY, from several Metropolitan Parishes, against the Poor-Law Amendment Bill.

POOR-LAWS' AMENDMENT — THIRD READING.] Lord Althorp moved, that the Poor-law Amendment Bill be read a third time.

Mr. *Hodges* rose to oppose the third reading of the Bill, and to move as an Amendment, that it be read a third time that day six months. The thinness of the House, of which he must complain, for there ought to have been a greater number of Members present at that important stage of the measure, he took to be a proof, that something like a compact had been entered into relative to the passing of this Bill. The promoters and supporters of the Bill had said, that it was intended for the benefit of the country, and that it would be a great boon to the agriculturists. He denied that it would be a benefit. There was no one that suffered more severely from the operation of the present Poor-law system than he did, and consequently there ought to be no one more willing to get rid of it and to support the present Bill if that were calculated to effect its pretended object. But he could not support it, since no argument that he yet had heard had persuaded him, that the agricultural interests would be in the smallest degree benefitted by the passing of the present measure. It would be said very probably, that those who that night should oppose the third reading of the Bill had taken a lesson from the articles of certain newspapers, and from certain violent speeches that had been out of doors pronounced against the Bill. For his own part he had neither been biassed by newspaper articles, nor violent harangues, since his mind had been long made up as to the impropriety of the proposed measure. Certainly, some alterations had been made in the Committee; but, as it appeared to him, those alterations had not sufficiently softened down the most objectionable features of the measure. The very objectionable clauses relating to settlement, to the unions of parishes, and to bastardy, still remained nearly the same as they were at first. With respect to the bastardy clauses, he would tell the House, that the public at large felt no sympathy with them on the score of their anxiety to pass those clauses; and he would also say, that the public thought, that the passing of those clauses would throw additional burthens on the different parishes of the country. The consequence of the unions of parishes would be, that fresh workhouses would be erected; and he did not think those unions would succeed, especially when he referred to the county of Suffolk, in which the system had been tried, and in which only one union had been found to work well. He thought it would have been better if some means were taken to ascertain the effects of the different unions of parishes in the county of Suffolk, before they recommended the adoption of that system throughout England. The extreme change that would be caused by the present Bill, particularly in the food of labourers, would be the cause of a great deal of evil. He remembered, some years ago, when he was one of the visiting Magistrates for the county of Kent, that he and his brother Magistrates who displayed some anxiety as to the quality of the food supplied to the poor, were distinguished by the appellation of "fatteners." He concurred with his brother Magistrates in listening to some representations which were made to them, and instead of supplying the prison at Hastings with wheaten bread, they contracted with the baker, who supplied Maidstone gaol with the same description of bread made from oats as was served out in the barracks in that town. About ten days afterwards, he received an express from Hastings, desiring that he would immediately go there, for dysentery and fever prevailed among the prisoners to a most alarming extent, and the surgeon attributed it entirely to the alteration in the quality of the bread. He went there immediately, and in consequence of the representations of the surgeon, they disposed of all the bread of that quality, and procured a supply of the description before in use. He certainly was afraid that an alteration in the food of the poor in workhouses would lead to a general evil of this description. Besides, the system of unions deprecated by the poor, would aggravate their discontent, and alienate them from their neighbours and the farmers. He could see nothing more cruel than to refuse relief after June, 1835, to able-bodied paupers who might be willing to work; and he maintained, that they ought to receive parish relief unless work were provided for them. He dreaded no part of the Bill more than the fourth provision of it, by which it would be enacted, that no able-bodied labourer would be entitled to relief out of the poor-rates after June, 1835. He had very great fears as to the effect this part of the Bill would have on the labourers of the country. He felt strongly on the subject, because he was one of those who was anxious that the Government of the country should be carried on quietly. He was satisfied, however, that those who would be anxious to enforce the law in the country districts would be obliged to fly—that it would no longer be safe for them to remain there, and that life and property would not be secure in such places after the passing of this law. It had been said by the advocates of the measure that it would increase the rents of the landlords. It could have no such effect. It would be impossible to increase the value of property by such means. The present Bill was, however, the sequel of that passed in the year 1819, and perhaps a necessary consequence of that. However, he was sure, that many hon. Gentlemen would not have voted for the former measure if they had anticipated what would have been the effect of it; and he was sure they would have taken some precautionary steps to save the country from the consequences of such a violent change as would be produced by the present Bill. The present Bill, he repeated, was a sequel to that of 1819; but, if introduced at all, it should have been with some concomitant measure, such as, for instance, a Bill for the relief of the poor in Ireland. There ought also to be a provision to make an alteration in the Malt-tax as soon as that part of the Bill came into operation in 1835, which would throw the poor upon their own resources. He deprecated the intention of throwing the poor back upon their own resources, particularly since Parliament had in a great measure stripped them of all resource. Unless some new mode of finding labour and employment for the poor should be adopted the consequence of this measure would be, that the poor, in spite of everything, would be thrown upon the parishes, and the agricultural distress would be considerably increased. He would be glad to know, where there was an opening for employment for the poor. There was none in agriculture—none in the mines—none anywhere else that he knew of; and yet after June, 1835, they were to obtain no relief out of the poor-rates. But Gentlemen might think that unemployed labourers would be willing to emigrate, and when he spoke of his fears about the effects of sudden changes they might say, that no change in the laws could take place without creating a certain amount of discontent and partial collisions. To be sure the discontented might be put down if they were in the wrong; but when they had justice on their side, and were goaded on by their grievances, the recollection of any collision between them and the police or soldiery to put them down would be never effaced from their minds. All might recollect the melancholy affair of Manchester. It had never been forgotten by the people, and still remained rankling in their memories. He recollected an affair which took place many years ago at Bristol about bridge-tolls, which the people refused to pay, and which the Magistrates would not take off. The people came into collision with the authorities and were fired upon by the Hereford Militia. They never forgot the aggression, and when many years afterwards that regiment passed through the town it was received with general execration, though perhaps there did not remain a single man in it who had anything to do with previously firing upon the people. He cited this as a proof that the people never forgot collisions that took place between themselves and the soldiery, and the apprehension of such collisions was one reason why he objected to the passing of the present measure. Was it just, that nothing should be done to stop the emigration of Irish labourers to this country? He believed that full 500,000 of them came to this country, and yet nothing was done to protect the home-market of labour for the English labourer. If the Irish labourers were removed from London it would tend greatly to relieve the distress of the English labourers in the metropolitan counties, since those counties would then supply the metropolis with labourers, and in that way get rid of their surplus labouring population. The House should do justice to the English labourer and to English property by making those burthens fall equally on Irish property, which now fell exclusively on English property. The hon. Member for Essex had on a former night stated that the measure was a most important one, and that the House should proceed with it very cautiously. He regretted that that hon. Member was not then present to support his opinion, and that he had not on a former occasion expressed his opinions more largely on the subject. With respect to the Report of the Poor-Law Commissioners he acknowledged that it showed proofs of their industry and talent; but many portions of it showed that they had been too much addicted to fishing for questions and answers, which made him entertain less respect for that Report than other hon. Members. He did not envy the Commissioner that would be obliged to go into the southern counties of England and tell the labourers they would be compelled to live in the same way as the labourers of the northern counties, and that their wheaten loaf was to be changed into a barley one. The reception of such a Commissioner in the South would not be a very kindly one. The effect of this Bill would be to exasperate the labourers of the southern counties, and to weaken their attachment and allegiance to the Government of the country. He was sure, if they were anxious to uphold the security of property in the country, they should pause before they agreed to this last stage of the Bill. The hon. Member concluded by proposing his Amendment.

Sir *Henry Willoughby* seconded the Amendment. He felt the utmost confidence in the well-known ability and knowledge of his hon. friend on all matters relating to the Poor-laws, and was of opinion that the objections to this Bill had not been fully stated nor met with sufficient attention. There had been 103 petitions, with 9,000 signatures against the Bill. Twenty-five of the largest towns, and ten of the largest parishes in and near London, had petitioned, not against the details, but against the principle of the Bill, including Bristol, Birmingham, Leeds, Huddersfield, Halifax, Glocester, Exeter, Oxford, Westminster, Wakefield, and many others. The meetings had been duly convened, and men experienced in matters of the poor had protested against the Central Board and its powers, the system of workhouses, and of Union, and the settlement and bastardy clauses. He objected to the workhouse system as a condition of relief; it was no part of the 43rd of Elizabeth. Work, but not workhouses, was the principle of that Act. There was nothing in the Act about workhouses, though convenient dwellings might be built for the poor under section 5. A workhouse necessarily occasioned a moral mischief. Let it be framed with what regulations, rules, and orders it might, it was an inherent defect in human nature that large masses of the population placed within the same walls would be contaminated. The Poor-law report admitted at page 172—that in superior houses, well managed, having 800 to 1,000 inmates, a rapid extension of vicious connexion was inevitable. He used the same words. He had seen many workhouses. One of the best was on the frontier of Holland—a well-managed colony, yet after all it was but a species of civilized slavery. There was moral mischief in all workhouses, only to be justified by the necessity of imposing a check on the idle and the profligate. He condemned workhouses, not as an appendage to other measures, but as a system, to which the Bill evidently pointed through all its various provisions. Before the workhouse system could be applied, the actual state of the labourers of England should be studied. He found on examination that vast masses of the able-bodied were in the habit of receiving relief. He had nothing to do with the system *à priori*; it might be bad; it was bad: but it had been acted on for forty years; and there it was. He found the hand-loom weavers of Manchester, Salford, Carlisle, mechanics in Clerkenwell, artificers in Birmingham, silk people in Coventry and Bethnal-green, the hosiers of Worcester, Tewkesbury, Hinckley, stocking-makers in Nottingham, 3,000 spinners in Trowbridge and the West of England, all received relief in aid of wages. The hon. member for Manchester had foretold the total ruin of the hand-loom weaver if aid were withheld, where the loom was borrowed, and who was kept in competition with machinery by a small and weekly relief. Remove such a man into a workhouse, and he was ruined for ever. In the country it was not better. Two hundred and twenty parishes gave a return of redundant labour. What was the language of the Committee of the House of Commons in 1828?—that redundant labour was the cause of the misery of the peasantry, and of low wages. One-half of the county of Suffolk received relief. There was a proportion of 133 persons in Sussex to do the work of 100. Mr. Day, an able Magistrate, calculated 8,000 surplus labourers in the rapes of Sussex. Could the House sanction a workhouse system to be applied to such districts? Grant the system was good for the idle and worthless, who preyed on the funds of the parish, could overseers place within the walls of a workhouse those who were willing to work, and whose only fault was they could find no one provided with funds to employ them? He put this question strongly, because he felt it was unanswerable. If it were true, as some of the Assistant-Commissioners seemed to think, that all parties applying for relief were mendicants, if not rogues, whose title was based on a portion of idleness, and of which the most was made according as he was expert in lying and intimidation, to use the expressions of Mr. Cowell, the system might be good. But take the hundred of Corford. The population amounted to 7,877 people—those who received relief to 4,304. This hundred was once the seat of a flourishing woollen manufacture; but the powers of machinery had silenced the knitting needle, the shuttle, and the spinning wheel and the distaff, yet the Laws of Settlement bound the people to their parishes. Could the House sanction a workhouse system in such a district, without becoming parties to an act of injustice? He joined in the eloquent language of the Commissioner, Mr. Stuart; "Who is now to rush among the unhappy victims of a bad system, and select those who are to be shut up in a workhouse, or to be stigmatized by a badge?" Again, take the case of Battle. There was a surplus of labour—eighty men out of employ in summer, and the report says, all in winter. Be it so—build a workhouse—the unmarried may do well for a time—the married would go into the workhouse? When would they come out?—their home was gone—their household goods were sold; they must remain indefinitely in the workhouse, and moral mischief would ensue. The emigration clause caused a debate; he heard with pleasure the observations of his hon. friend, the member for Wolverhampton on the necessity of a sound system of emigration; but why? The argument itself implied a surplus population, at least in some places. If so, it was fatal to the workhouse system as a general plan. The House had no right, as it must have no inclination, so to deal with a surplus population. The right hon. member for Cambridge agreed in the necessity of a good plan of emigration. He eulogized, and justly, Sir Wilmot Horton; but he forgot the conclusion of Sir Wilmot Horton's report, which says "it is impossible to do anything for England by emigration unless you apply yourself to Ireland, whose population will quickly fill up any vacuum, and reduce the labouring classes to an uniform state of degradation and misery." That suggested an important consideration. It was urged that the Legislature was about to throw the English labourer on his resources. He would say take care, you know what those resources are, and see that the labourer has fair play. The vast mass of taxation fell on the shoulders of the productive classes: the sum of 26,000,000*l.* of public revenue were levied on the food and drink of the people, to say nothing of other taxation. Let them take care how they applied a strict workhouse system to such a state of financial policy. He approved of the policy, in 1796, of securing a *minimum* of wages to the English labourer. At that time the deluge of paper money was about to break forth, producing on money prices the same effect as the discovery of mines in America in the reign of Elizabeth; at that time the allowance system so far protected the lower classes—famine and other evils were thus avoided, though it must ever be lamented that a temporary measure in 1795 was acted on permanently, and had introduced evils which all deplored. But in times of famine, that which was done in 1795 must be done again: even the Commissioners would again pursue the course for which Magistrates had been so unjustly blamed. The people could not starve. That was the principle of the Poor-law, and it was the only ground on which the offences of mendicancy and vagrancy can be got rid of. Doubts had been expressed as to the effects of the immigration of labour from Ireland on the English labourer; he would quote no English authority, but a Scotch one, and a very good evidence, Mr. Brown of Galloway, who said "pauperism is increasing in Scotland, owing chiefly to the great influx of Irish labourers, who, content to live in huts, to feed on potatoes, to be clothed in rags, and to allow their wives and children to beg, underbid, and underwork the Scotch labourers, who are compelled to leave the country, or to adopt the same habits to bear a fair competition." Place the English labourer in a workhouse, make it very disagreeable, deprive him of his liberty, of his accustomed enjoyments—no beer, no tobacco, (according to the Report), and he might be driven out; but he then came into the towns, in competition with the Irish labourer; and in the country, if he had a large family, and could not migrate, he must take the *minimum* of wages; in fact, whatever he was offered. Would that improve the condition of the working classes? Would that work out the comfort of the labourer? Could the independent labourer be benefitted by this forced competition? He had great doubts, and therefore he opposed the Bill. As to other points, he contended for the necessity of some intermediate authority between the Board and the country authorities. The Report had declared the local authorities to be unworthy of trust; yet who would the guardians be? They must be the servants of the Commissioners, who would prescribe rules, and punish misconduct by fines. Would the gentry take the office of guardians? The Commissioners were however, to have nothing to do with particular cases. There was a proviso to this effect. What then would become of the complaints of the lower classes? Assuming the laws and rules of the Central Board to be good, who would see to their enforcement? Who was to be certain that guardians would attend—when and where, so that they might be of easy access? Was there no danger of their negligence or harshness? In answer to the 47th query, magistrates, gentry, clergy, curates, churchwardens, vestry clerks, and overseers, agreed that some appeal was required to prevent tyranny and oppression. The power of forming unions would be oppressive. There were four large parishes and six small—the small with easy burthens, the large with heavy burthens. Two guardians were assigned to each of the large; thus the eight guardians of the large parishes would control the six of the smaller, and would saddle them with expenses for workhouses, officers, and other matters for which they had not any occasion. Thus, to take the case of Pulborough, a heavily burthened parish, all the neighbouring parishes would be made to contribute, which would alter the value of the property in all such parishes. It was no answer to say, the payments must be made in a certain proportion. He protested against any payment whatever for purposes and objects that were not required by the parish called upon to contribute, and he thought, a majority of rate-payers should decide. He must call the attention of the House to the condition of the aged poor under this Bill. He thought it bad policy and against justice to weaken their fair claims. The Act, 36th George 3rd was repealed; relief could not be claimed out of a workhouse, where there was one. Who was there who knew the condition of the aged poor in the villages, that did not know, that removal from a cottage to a workhouse was the most odious of changes?—the loss of quiet, of your accustomed haunts and society, became absolute privations. The old Act limited the distance to ten miles; but, under this Bill, an aged pauper might be taken twenty miles or more, when, in point of justice, economy, and fairness, he would be better off in his village. He contended, that the aged poor at the least should be excepted from this Bill; no one blamed that part of the existing administration of the laws. The Report admitted, that this class of relief was fairly given. He pretended to no more humanity than any other hon. Member; but he believed, that every humane mind would at once admit the propriety of leaving to the aged poor the benefit of 36th George 3rd. He must conclude he had selected some leading points of objection. There was too much of discretion in the Bill. Discretion in a legislator was a good thing: to use the language of Lord Coke, in a legislator it was a golden rule; but when the Act was law, and to be acted upon, it might become a crooked cord. This was his fear. Discretion already had done evils, yet the most important clauses were contradicted by their provisoes. He pitied those who would have to act under the Bill. The Poor-law Report only recommended a cheap agency to carry into effect the intentions of the Legislature; but the Legislature did not declare its intentions; it trusted to the discretion of three nameless gentlemen on matters in which the Legislature alone could speak with force and effect. The Bill trenched also too much on the principles of self-government—one of the best points of the English Constitution, which left to families, parishes, towns, and counties, to govern themselves. All over the world, in Turkey as in England, the benefits of this course were visible. Even in the misgoverned provinces of Turkey the peasantry governed themselves in their villages, and bore up against the rapacities and mischiefs of the worst form of Government. He thought this principle was invaded too strongly by this Bill. He did not object to a Central Board acting as a Board of Control; he did object to one which appeared intended to interfere and to meddle in matters which the rate-payers could settle and adjust much better for themselves. He must, therefore, support the Amendment of his hon. friend.

Mr. *Wolryche Whitmore* had not intended to take any part in the discussion at the present stage of the Bill, as it had already been so fully discussed on other occasions; but after what had fallen from the hon. Gentleman against the Bill, he felt called upon to trouble the House with a few remarks. The hon. member for Kent had admitted, that great evils existed in the administration of the Poor-laws in the south of England; but the hon. Member seemed to think, that it would be extremely difficult, if not impossible, to have a system free from such defects. If the hon. Member would visit the part of the country where he resided occasionally, the hon. Member would find a system free from those defects which had been pointed out. The hon. Member, however seemed to think, that it would be improper to act upon the same principles in the south of England as were acted upon in the north. He seemed to think, that the agricultural labourers in the north lived on oat bread, and were in a most miserable condition; but he could assure the hon. Gentleman, that the peasantry in the north were in a much better situation than he seemed to be aware of. The truth was, that the hon. Member, as well as other hon. Gentlemen, supposed, that the present system of Poor-laws was the only possible one that could be supported; but he was convinced, that there was nothing to prevent the adoption of the remedies that had been proposed. Both the hon. Member and the hon. Baronet admitted, that there was a surplus population in the country. He believed that was the case, and that it had been mainly brought about by the maladministration of the Poor-laws, which had operated as an encouragement to the increase of population. It had been stated that, as long as this surplus population continued, it would be extremely difficult and dangerous to attempt a change. He admitted, that there was danger in a great and sudden change, but he put that against the evils which would arise from the continuance of the present system, and he thought, that the evil likely to arise from the former was slight in comparison with that which would result from the latter. He contended, that they were bound as legislators at once to meet the evil, which was not only perfectly obvious, but which, if permitted to continue, would involve all the property and interests in the country in one common ruin. He thought, that there might be some danger in carrying the measure into effect; but, as legislators, they were bound at once to meet a great and increasing danger, and to apply an efficient remedy. It was their duty at once to place the labouring population in such a situation that their condition could be ameliorated, and this could only be done by some extensive and efficient measure similar to that before the House. When hon. Gentlemen endeavoured to show how much of inhumanity there was in a change of the law, it appeared to him that they looked to individual cases, and overlooked the great principles of legislation and the application of them to the present state of things. He was convinced, that great evil had been inflicted on the labouring classes of this country, by leading them early in life to rely on the poor-rates for the means of subsistence, instead of looking to their own exertions. The hon. member for Kent had stated, that they would do great evil to the labouring classes if they passed that Bill; but the hon. Member had not shown that this would be the case, and he distinctly denied the accuracy of the hon. Member's inference. His hon. friend had said, that he lived in a part of the country in which the poor were willing to labour. He was perfectly satisfied that the poor were willing to labour, provided the labour was of a beneficial character; but they were not willing to labour when they found that it was not of that character, such, for instance, as digging in gravel-pits, or in digging holes one day and filling them up on the next. The poor very naturally complained of this useless species of labour, and a great portion of the poor fund was expended in it which might be profitably employed. He need hardly add, that such a mode of proceeding was injurious to the poor man. He knew that a great many farmers encouraged this species of mischievous labour by paying a great portion of the wages out of the poor's-rates, that they might make a demand on the landlords for the reduction of their rents, and also in hopes that they might throw a portion of the charge on the other inhabitants of the parish. He was satisfied that they were mistaken, as nothing tended so much to destroy elasticity of mind in the labourers, and to make them of inferior character, as acting upon such erroneous principles, which was exemplified by their conduct in a great part of the south of England. The Legislature were bound to lay down sound principles on which to act. If they could find such principles as would probably afford a remedy to the present evils of the system they should apply them fearlessly. He believed, that the present measure would be fraught with the greatest good to the country, and he felt assured, that none would be more benefitted by it than the labouring classes themselves; and he did not think he was wrong, for his opinions had not been taken up lightly or inconsiderately.

Mr. *Benett* said, that his hon. friend who had just sat down, had declared, that there was more comfort amongst the labouring classes of the county of Salop than was to be met with amongst the labourers of the county of Kent, and he imputed the circumstance to a portion of the wages of the latter being paid out of the poor's rates; that, in short, the labouring people of the northern counties lived much better than those in the southern districts, and were altogether in a superior situation. He was surprised, that his hon. friend, before he hazarded this statement, had not examined the three large blue books on the table. If he had, he would have found a statement of the wages paid to a labourer in Kent and in Salop. From that Report, it appeared, that the average annual wages paid to an agricultural labourer in Kent was 48*l.* 5*s.*, while in Salop, the annual average wages to a labourer was only 36*l.* Again, he found, that the average poor-rate paid on each pauper was 14*s.* 5*d.* in Kent, while the similar charge in Salop was only 7*s.* 9*d.* He would ask, whether it was not extraordinary, that with double poor-rates in Kent, as compared with Salop, and one-third more wages, the labourers in Kent should be starving, whilst in Salop they got good meat and bread. He denied, that there was any evidence to support that assertion. He would exemplify his opinion on a larger scale. He would take fourteen of the northern counties, in which the labourers were said to be in such comfort, and fourteen of the southern counties, going as far west as Wiltshire and Gloucester, and would show, from the Report of the Poor-law Commissioners what were the facts of the case. He did so because he had heard so much of the comfort of the agricultural labourers of the north of England, of the large wages obtained by them, and of the excellence of the farmers, and at the same time were told of the injurious and heartless conduct of the landlords and farmers o the south of England. He found, that the average annual wages paid to an agricultural labourer in the fourteen southern counties of England was 41*l.* 17*s.* 7*d.*, while, in the fourteen northern counties, it was only 37*l.* 7*s.* 1½*d.* This statement was taken from the documents published in the Report of the Poor-law Commissioners. He denied, that there was any ground for the assertion that wages in the south were worse in any respect than wages in the north. In the south, wages were higher than in any part of

England; at the same time, he did not deny, that the poor-rates were larger. He denied, however, that it could be truly said, that wages were paid out of the poor rates. Wages were paid on a scale framed according to the price of provisions. He knew, that his hon. friend entertained great objections to this plan; but in practice it had been found beneficial. The object of the scale of wages was, to establish a minimum of wages, which was desirable for the welfare of the labouring classes. He objected strongly to making relief conditional on going into the workhouse, which would be productive of the greatest cruelty. He had known instances of industrious labourers who had lived in a parish forty years without requiring parochial aid, at last being compelled to demand temporary relief. Would it not be a case of cruelty to send such persons to a workhouse? He protested also, against sending able-bodied men with their families to the workhouse, as it would only tend to load the workhouses with a dead weight of poverty. Such principles as were now proposed to be acted upon in that Bill had been denounced by the political economists when Mr. Wilmot Horton brought forward his plan; but in consequence of the opposition he had to contend with, he was obliged to abandon it. He should vote against the third reading of the Bill.

Mr. *Bulteel* said, that thinking the measure would be a very great improvement in the law, he was anxious to give it his support, notwithstanding a petition had been presented against it, from that part of the county of Devon which he had the honour to represent.

Mr. *Robinson* said, that in opposing the third reading of the Bill, he did no more than his duty. Even if they were to pass it, he was satisfied it would fail in its operation. The arguments of the hon. member for Wolverhampton and the other Gentlemen by whom the Government were supported on this occasion, were founded upon two fallacies. They in the first place assumed, that there was no alternative left but the adoption of this Bill, or leaving the Poor-laws with all their imperfections on their head. Now, this he begged leave to deny. In no one debate which had taken place on the subject, had a single word been said, which could be construed into a defence of the abuses of the system. On the contrary, it was on all sides admitted that much mal-administration existed, and that it was most necessary that abuses should be corrected. It was said, that transferring the power now exercised by the rate-payers into the hands of Commissioners, would be a great advantage; but such a course would, in his opinion, produce the very contrary effect, and, instead of remedying the evils complained of, would only, he firmly believed, tend to increase them. It was represented by the advocates of the measure, that its effect would be, to raise the rate of wages, and of course benefit the labouring poor; that was the second fallacy which had been put forward. Instead of bettering the condition of the labouring poor, its effect would be, to depress their situation very considerably. Was there a single provision contained in this Bill which would give additional employment to the labouring classes? or did it in any one clause or part of it suggest any mode by which they were to be relieved from the distress under which they laboured? In short, was there a single feature of this—he must be allowed to call it, because it was the opinion he entertained of it—odious and cruel measure, which held out the least prospect or hope to the poor, that when they were deprived of relief from the parish, they would have work to enable them to live? There was not, and therefore it was worse than idle to say, that its effect would be to better their condition. The fact was, that this Bill proceeded upon the principle, that in no case whatever would they be entitled to relief except on the condition of working. That was, in fact, the principle on which the Poor-law Commissioners proceeded. The poor man would be told, "You must either go into the workhouse, or we cannot give you relief;" and no distinction whatever was to be made between honesty and immorality, and the aged and infirm, and the able-bodied labourer. All were to be treated alike. But what would be the effect of such a system as this? Would it not multiply workhouses in all parts of the country, and increase rather than diminish pauperism? It was said, however, that the present system was defective and called for alteration. Admitted; but then was the fact, that errors existed in that system to be taken as proof that this Bill was wise and would work well? In the Report of the Commissioners, they stated, that they entertained no hope that the evils complained of would be eradicated by the measure they proposed; and what was this but an admission, that if this Bill were not accompanied by other measures for the relief of the poor, it would be wholly inoperative? Now, it was very well to say, that if this Bill passed, the poor rates would be diminished. He knew, that this notion induced some of the Members of that House to give it their support; but for himself, he must say, that he would much rather pay even high poor rates than be relieved from the payment by such a Bill as this. He should like to know how it would give additional security to property, or in what way the situation of the owners of property would be benefited by it? His belief was, that its tendency would be to alienate the affections of the poor from the rich, and no measure that was likely to lead to such a result would give security to either person or property. It was all very well to talk of the situation of the poor at the time the Act of the 43rd of Elizabeth was passed; but could they now restore them to the condition in which they then were? He was satisfied that they could not. But must it not be obvious, that a measure which might have been wise in the reign of Elizabeth would be altogether inapplicable at the present period? A variety of circumstances had concurred to render the state of society more complicated now than it was then, and the discovery and use of machinery had produced a very striking alteration in the condition of the poor. He was willing to admit, that the use of machinery was beneficial in the highest degree to the wealth of the country; but he, at the same time, thought that its advantages to the labouring classes were very doubtful. He objected, however, to the Bill because it held out no hope that the condition of the labouring classes would be benefited by the change; on the contrary, it would be productive of great hardship to them, and therefore he resisted this Bill. It was as great an insult to the labouring classes to hold this measure out as a boon to them, as it was to hold the bastardy clause out as a boon to females. The one was just as great a boon as the other. With respect to the alteration proposed to be made in the Bastardy Laws, he must say, that a more arbitrary and cruel proposition could not be adopted by the most tyrannical Legislature that ever existed. It was most unjust, that the whole of the burthen should be thrown upon the female, and such a recommendation only showed how little the Poor-law Commissioners understood the subject with which they had to deal. But this Bill took away the consolation which the poor had under the present system, of stating their grievances to their more wealthy neighbours, or seeking an alleviation of their distress at the hands of a Magistrate. The duty of administering relief was to be placed in the hands of a set of paid Commissioners, who could have no sympathy for the situation of the pauper; and when the poor found that they could no longer benefit by the interference of the wealthy on their behalf, would not the affections of the lower classes be alienated from the higher? He was, however, convinced, that this Bill would fail, and that in a short time the House would be called upon either to repeal or so to alter it as to make it suitable to the views of the people.

Mr. *Slaney* said, that the hon. Member who opposed the Bill, argued as if no case had been made out against the present administration of the Poor-laws, and as if this Bill were a wanton experiment upon the country. Now he would ask, if a case had not been made out to justify this Bill? Had there not been owing to the situation in which the poorer classes were placed, a rural insurrection which rendered insecure the whole property of the country? He thought, however, that the operation of this Bill should be confined to particular counties, where the Poor-laws had been badly administered, and the interests of the labouring classes neglected. He deplored that particular instances should be so often treated by hon. Gentlemen as cases of general occurrence. His hon. friend, the member for Wiltshire (Mr. Benett), had told the House, in reply to the assertion of the hon. Gentleman near him (Mr. Wolryche Whitmore), that wages in Wiltshire amounted to 46*l.* in the year, while in Salop they did not amount to more than 36*l.*; and, therefore, said his hon. friend, "You must be worse off in your county than I am." There was one fact which served as a useful commentary on the observations of his hon. friend,—namely, that while in Wiltshire, the poor-rates were 13*s.* per head, in Salop they were only 7*s.* That fact must arise from some mismanagement. How was it to be accounted for? Why in the southern counties it was the custom to relieve men with families in every possible way, while single men were rejected, and set to work on the roads for a very stinted allowance. That was the fact. Now in Salop the wages were the same to married and single, because an allowance system was not established. In counties where there was coal on the spot, it was worth 1*s.* per week to a labourer; and the labourers of Shropshire were much better off than those of Wiltshire; for instance, there was a much less number of them on the poor-rates, they were more attached to the gentry, more willing and more contented, than where the allowance system prevailed; there had been no fires, and no complaints. There could be no doubt, however, that the progress of manufactures afforded employment to labour. But where the allowance-system prevailed, the peasantry became pauperized and distressed, and where the allowance-system was unknown, the case was the reverse. With respect to the Bill, he admitted, that if it were acted upon rashly, it might fail. He did not, however, anticipate any such result. The same feeling which actuated the Commissioners in the inquiries they had already made, would direct them in laying down their future regulations. The hon. member for Worcester said, that this Bill made the workhouse the only species of relief for the pauper. He was not aware of such a provision. It certainly was stated that a man should not receive relief, unless he were employed by the parish. He had no hesitation in saying, that such a restriction was equally imprudent, dangerous, and unnecessary, The hon. Gentleman had asked how any man's condition would be benefited by this Bill? Suppose the case of a parish containing sixty labourers, and affording work only for fifty. This Bill would give the surplus labourers much greater facilities for obtaining work elsewhere than under the existing system. By the present regulations, the only men who obtain relief are the married. They actually almost preclude the single men from any hope of obtaining employment. What was the consequence? The single man said, "Instead of being better off by being single, I am actually in a worse condition; I will therefore marry, to enable myself to obtain parochial relief, and let the parish take care of my children." Now was it not most desirable to such a man to feel the consequences of marriage in every other rank and station of society. Take the case of a younger son of a country gentleman: if he contracted an imprudent marriage, he at once lost his station in society, or he must turn whatever talents he possessed to use in some profession which would afford him the means of subsistence. They were bound to urge this consideration upon the poor for their own sakes. He ventured to say—and the assertion was borne out by the returns of the state of crime—that where there was a good administration of the Poor-laws, the poor were happier and more moral than where this improved administration had been wanting. It was the duty of Government to attempt to remedy these evils. He admitted, that there were objectionable points in the Bill. He admitted that it was a hardship to compel the aged poor to go into workhouses, but on the whole the Bill was an efficient remedy, notwithstanding these drawbacks. The Bill had his hearty concurrence. He would not prophecy as to what would be the result, but this he would say, that it was a beginning, and Government would be bound to follow it up. The principle on which it was founded had been acted on for years in the county with which he was connected, and he would back that county against any other in England, as regarded the management of the poor; and that formed one strong reason why he gave his full support to the Bill. There was another reason, and that was, that it would restore the Poor-laws to their original principle and spirit, and make them somewhat conformable to the Act of Elizabeth. In addition, however, to the improvement which the amended system was calculated to produce, by checking the increase of surplus labour, it would be well to promote the education of the poorer classes residing in populous manufacturing towns, and also to accommodate them with open places in the vicinity for healthful recreation.

Mr. *Cobbett* said, his chief purpose in rising was, to show the real objects of this Bill, and the consequences it was likely to produce, particularly on the poor population. Before entering on these, however, he would say a few words in answer to one or two hon. Members, and more especially to the hon. member for Wolverhampton, relative to surplus labour. The plan of that hon. Member was, to send all persons who could not find work across the sea some 15,000 miles. His plan was to settle new colonies, and how that plan would work they would hear by-and-by. With regard to surplus labour he would refer the House to some reports laid on the Table of the House. One of these reports related to the subject of population; and he found, from that report, that in Lincolnshire, according to the evidence of a great number of persons, there was not more population in that country than was required; and particularly in harvest time, there was not enough; yet still these philosophers would go on, day after day, and night after night, with their dissertations about surplus labour. A Committee sat in 1828, of which the hon. member for Shrewsbury was Chairman, to inquire upon this very subject of surplus labourers, and by this Committee Mr. Boyce was examined. When the question was put to him, whether he considered that there was a surplus of labourers, he replied that there was not. And he added that he was grieved to see in one part of the country forty young men harnessed to gravel carts, and doing the work of horses. He was asked, was not this a proof of superabundance of labour, and replied, that it was not; that there was labour for them on the land, in hoeing, draining, and ditching; but that this labour was not entered upon, though necessary, because the farmers had not the means of undertaking it. Why, he (Mr. Cobbett) would ask—why had they not the means? Because of the distress and ruin created by the Currency Bill of 1819. It was said the present Bill was intended for the good of the poor. He trusted it would be for their good, and not turn out to be a scheme for injuring both farmers and labourers. Much had been said about riots caused by the Poor-laws; but those Poor-laws that caused the riots were not those instituted in the reign of Elizabeth, but as altered by Sturges Bourne's Act, of which the present Bill was only a continuation. He now came to a point which related to himself. An hon. Member—the member for Shoreham, said the other evening, that he (Mr. Cobbett) was the cause of the outrages in the country, and the libel in the Commissioners' Report said the same. They insisted on this, notwithstanding the evidence given on the trial of the rioters. Now, he would show that the report of the Poor-law Commissioners stated the real cause. The hon. Gentleman here read a passage from the report of evidence given before the Commissioners, in which it was stated by the labourers, that the harsh treatment of the overseers was the cause of the outrages; and that if they had been treated with civility, they would not have so much minded being poor. The Bill before the House might be for the good of the people, but he verily believed that the object of the framers of it was to reduce the labourers of this country to the wretched state of the people of Ireland—[*"Oh! oh!"*] Members might call out "Oh! oh!" but he was right, and he would state his reasons. There were three countries in the empire, and the condition of the inhabitants in each was very different. In the south, where there were Poor-laws, you found the peasant had a comfortable clean cottage, with windows and window-curtains, and rose-trees, and vines adorning the walls, and some other conveniencies, which were not known in the North. That was the consequence of the Poor-laws, as established in the reign of Elizabeth. Well, there was another country where there were partial Poor-laws; but he trusted England would never adopt the system of that country. At all events water-porridge and brose should never be introduced into Sussex if he could help it. That country—he meant Scotland—had Poor-laws before England had them; but they were done away with by the Reformation. After which the heritors, with the assistance of the Church ministers, of whom they were the patrons, had been gradually doing every thing in their power, not only to devour the poor-rates, but also the tithes, and put both into their own pockets. If the hon. member for Middlesex were in the House he would desire him only to read the Appendix B to the Poor-law Commissioners' Report, and then ask him if he wished to see the poor of England reduced to such a state of wretchedness? But there was another country where there were no poor-laws at all; and oh! how the philosophers would revel at the prospect of such a country! Not a country where the women went without shoes and stockings—but a country where they were half-naked, and in some places quite naked. For the truth of his statement he referred hon. Gentlemen to a report on the Table of the House. How the philosophers would revel at such a sight, in a country where there were no Poor-laws, and no degrading allowances for the maintenance of the poor! That was the cause of the frequent rebellions in that country—and he called them just rebellions. They were eternally hearing of disturbances in Ireland; and the hon. member for Tipperary had that night declared that there were, out of 7,000 persons in one district, 2,000 who were actually starving. He need not ask what would be done in such a case in England. He would now come to the point. He verily believed as he had already said, that the authors of this Bill wished to do away with assessments for the poor altogether in Scotland immediately, and in England by degrees, and reduce Scotland and England to the state of Ireland, and put the tithes and the poor-rates into the pockets of the landlord. He would give his reasons for these assertions. When the Poor-law Commissioners were sent out first, they were not properly initiated, they were told if you find the poor-rates are not on the increase it will be better to leave the rates as they are, it would be better to adopt no measure at all, because it was of no use to run a certain hazard for an uncertain advantage. Well, from the report of these Commissioners, it appeared that for the last year the poor-rates had diminished 3½ per cent, and in abused Sussex 7 per cent, and why then not stop? The poor-rates in round numbers were eight millions a-year, two millions of which were paid to agents and attorneys, and for law expenses. Now he verily believed, if parishes were fairly examined, it would be found that the poor received only 5,000,000*l*. But supposing even they received six millions, was it proper not to diminish the other two millions? They could face the poor—they could cut down their allowances—but they could not face the parties who shared in the two millions. He was prepared to show, that the poor-rates had not increased in proportion to the increased taxes paid by the poorer classes, and he, therefore, saw no grounds for the Bill unless they wished to elevate (a favourite phrase of the philosophers) the English to the standard of the Scotch—to the standard of the brose bowl and water-porridge. But in order to show the sentiments by which the Government were guided in this measure, he would refer to the report of Mr. Tuffnell, who had been appointed one of the Irish Church Commissioners, and that showed that his conduct had been approved of by the Government. That Commissioner said in spite of the advantages resulting from the Poor-laws great evils resulted from them, and it was sound policy to aim at their entire abolition. All Poor-laws were in their essence impolitic, and ought ultimately to be abolished, but not in England without careful preparation. That he believed was the purpose of Ministers, and if they denied it, they did so to deceive the House of Commons. In the instructions to the Commissioners there were two things to which he wished to call the attention of the House. The one was an express desire upon the part of Government—to do what? Why, to so manage the thing that the people of England might be gradually used to coarser food than at present. That would, indeed, be bringing the north to the south! Another thing was, that there were to be 200 workhouses. These workhouses, he foresaw, would be so many military stations. No doubt there would be a police station attached to each of them. To be sure there would. The effect of one of the instructions would possibly be an attempt to reconcile the people to potatoes and sea-weed as a diet. The Poor-law Commissioners in their report said, that in one parish, which they mentioned, every man who had been a farmer for thirty-years preceding was at the time the report was drawn up subsisting upon the poor-rates. Were these men to be treated in the manner, in the harsh and cruel manner, prescribed by this Bill? How many tradesmen, at present residing in Fleet-street, might within a short time be obliged to look to the poor-rates for support, and were these men to be driven to a workhouse in a workhouse dress? Were their families to be dragged from them, or they from their families, and were one and all of them to be treated worse than negro slaves or even than favourite hounds? Would not this be the effect of the Bill? Was it not the object contemplated by the Commissioners, who might be said to be the mentor under whose auspices this Bill was brought forward, while the noble Lord was but the Ministerial Telemachus? The object of the Bill was to raise the character of the English labourer. Raise the character of the English labourer, forsooth! The

English labourer, no doubt had reason to be grateful for it. His own opinion was that the object of the Bill was, to rob the poor man to enrich the landowner. That object, although he thought it was contemplated, he yet knew would not be effected by the Bill. He would call upon the supporters of the Church to recollect that poor-rates and tithes went together; and let them abolish one, and the other was sure to follow. When the noble Lord was asked for a reduction of the Malt-tax, or for some other measure that would be of advantage to the agricultural interest, his answer always was, that he had something in store for that class—some great and signal good, that would be a cure for all their evils. Well here it was. And yet this Poor-law Bill, this measure of advantage to the agricultural classes, he did not think would receive the general approbation of that class. One deplorable effect of the abolition of poor-rates would be the lowering of wages; for it was the system of allowance that raised the wages in the southern districts. But the landowners would not trust the farmers with their own affairs, and the disposal of their own money, lest they might be tempted to pay the labourers out of rent. So they said, " Let us have a Board of Commissioners, and let us have vestries, and let us all have votes; let us have six votes a-piece, and let us vote moreover by proxy; so that we may be absentees, and enjoy ourselves as the Irish absentees do." But there was this difference between the two cases. Where were the English absentees to go to? The Irish and the Scotch absentees now came to England, the place of refuge for all people in distress; but where were they all to go when that country came under the operation of this odious enactment? For his own part he should not have the heart to remain in the land which had been happy and flourishing under his father. Again he declared that the House could not with any show of justice or propriety pass this Bill. They might have power to do so, but had they the rightful power? He had before him a volume of *Blackstone's Commentaries* treating of the rights of men, and in that volume he found it stated of the English Poor-laws, " That the law not only regarded the life and members of every individual, but also furnished him with everything necessary for their support. For, it was added, there was no man so indigent and wretched but he might demand a supply of sufficient necessaries for the support of his life from the more opulent portion of the community and that these most humane provisions of our law were not only for the protection of the poor man, but of society itself." Blackstone had declared in this passage that the poor man had a right to relief, yet the present Bill proposed to take away that right, inasmuch as it took away, as he had before shown, the means of enjoying that right. He would now quote another learned authority, of Justice Hale, who declared that " it formed a fundamental part of the Constitution of England," to provide a sufficient supply for the necessary relief of the indigent poor. They were now, then, about to sap to the foundation the Laws and Constitution of the country, and by passing this Bill justify the people in any acts of violence and resistance to so unjust an infringement of their rights. If the poor man when in distress were thus deprived of his lawful means of relief, what principle in nature or justice was there to prevent his taking whatever he could lay his hands on to prevent himself from starving? Robbery and violence would then become a matte of dire necessity, the sacredness of property would no longer be protected, and how would the House like the idea of that? They were now about to dissolve the bonds of society; they were going to break faith with the poor man; and then what claim could they pretend to have upon him in return? But he was sure the Parliament could not pass this Bill, and if any future Parliaments should dare to do so, it would be a cry of war upon the cottage, which the hand of Providence would answer with a cry of war upon the princely mansion. It was said in Scripture, " Cursed be he who oppresseth the poor;" and how was he to be cursed? Why, " God shall smite him with the plagues of Egypt, the scab and the itch." Let the House read the Bible and this Bill at the same time, and then see if they could find it in their consciences to pass it. He was very sure, that if they did pass it, the curses he had announced to them would fall upon them, and that something more terrible would take place in the country than had been seen or heard of for the last two centuries.

Mr. *Goring* said, with reference to the riots in Sussex to which the hon. Member had alluded, that it was true that the hon. Member opposite was not himself at Battle, which was one of the principal seats of these riots, but one of his emissaries was lecturing the people there. [Mr. *Cobbett:* Name him.] He could not name the individual, but it was a notorious fact; and, moreover, it was the opinion of the farmers of Sussex as well as the gentry, that the riots in Sussex were caused by the writings of the hon. Member. The hon. Member charged the Magistracy with having been in a conspiracy against him with regard to Goodman's confession, but he could assert, that the original confession of Goodman, undictated by any person, was made to the High Sheriff himself. It was remarkable that the riots took place almost always in counties where there was a difference between the wages of single and married men. He should support the third reading of the Bill, because he believed it would relieve the industrious labourer when he could not obtain work, and would drive the idle one to the workhouse, where he ought to go.

Mr. *George F. Young* said, an endeavour was made by supporters of the Bill to represent its opponents as favourable to the abuses of the present system of Poor-laws. That was unworthy and unjustifiable. Though he opposed the present Bill, yet he would gladly correct the abuses of the Poor-laws. The present measure went far beyond the necessities of the case, and no measure should receive the sanction of that House that was not based on the exigences of the times and the circumstances of the country. The friends of the Bill failed to prove any necessity for giving the Commissioners such vast and unconstitutional power, enabling them to interfere at their own mere discretion in parochial affairs; and of compelling unions of parishes, however ill assorted those unions might be, or unwilling the parishioners might be, to form a union. It was said by the advocates of the Irish Coercion Bill, and that Bill was the only parallel to be found in the history of modern legislation to the present Bill, that the powers conferred by that Bill were to be exercised only according to the necessities of the case; and only exercised within the disturbed districts. But the Commissioners under the present Bill were exonerated from any such salutary restrictions, and they might interfere as they pleased with every parish in the kingdom. He would support the proposition that the Bill be read a third time that day six months.

Lord *Eastnor* said, that if this Bill were a hard and grinding measure on the poor, he would be the last man to assent to it. As assent to any such measure would be unworthy the character of the English gentleman. But he believed that the Bill did not deserve such a character. He would not, however, have risen but to make one remark, which appeared to him to be called for by what had just occurred. He could not deprecate in language too strong, the conduct of any individual who should endeavour to make the poor of England discontented with their situation, or quote Scripture to justify any acts of violence which discontentment might drive them to commit. Taken by itself, the measure might, perhaps, be in part objectionable; but taking into consideration the extent of the necessity, he was of opinion, that it was calculated to do much good, and he should, therefore, give it his support.

Mr. *Fryer* said, the Bill was intended to overturn the whole system of Poor-laws, and yet the noble Lord had said, that it was the boon which he had in store for the landlords. He refused them the repeal of the Malt-tax, and told them to wait for his Poor-law Bill, which was to give them so much relief. Well, the Poor-law Bill was brought forward, and see what a measure of relief to the agricultural interest! There was no possibility of reducing the poor-rates, without reducing the poor man's allowance. And was that a mode of relief to which that House would consent? Should not the noble Lord have inquired why it was, that the poor man could not get employment? How was it that the farmer was able to employ them before? Was it not because their contracts were made in paper and paid in gold? But the promoters of this Bill would be disappointed. It would be opposed through the country. When Ministers would have gotten that Bill, they would find they had caught the Bottle Imp; they had compassed their own destruction. Unions would spring up through the country, and they would be justified. It was to no purpose, however, speaking against the Bill, for the House were determined to carry it. But he could tell them that their workhouses would be so many gaols, and their emigration another name for transportation. Let them repeal those Acts which prevented Englishmen from competing in the market with foreigners, and they would have a Van Diemen's Land in England. "Abolish your wicked and cursed Corn-laws," continued the hon. Member—"Rig your ships and navigate them, and that is the way to make England happy and prosperous. No; but there you are (addressing the Ministerial Benches), and you will not be long there. You court the Tories and every other party, but never think of courting the people of England. The noble Lord puts on his tail in Downing-street, and comes forth like a great kangaroo, followed by his wrigling majorities to pass such Bills as this. As long as the Corn-laws continue, I shall feel bound to declare, to all the agricultural districts, that the base oligarchy of the landlords are bound to support the poor, whether they have or have not work for them."

Lord *Althorp* wished to make a few remarks on the different statements made by hon. Gentlemen with reference to this measure. He was called upon in the first instance to state the grounds upon which he believed that this Bill would operate for the improvement of the condition of the labouring classes. Now, he thought, that no man who considered what were and had been the bad consequences of the allowance-system in the administration of the Poor-law, could come to any other conclusion than that the effect of that system was no other than to reduce the wages of labour to the lowest point at which (under the allowance-system) the Magistrates thought a family could possibly be supported; and that the adoption of this principle had been, and must necessarily be, to degrade the labourer in every part of the country where the practice prevailed. The object of the Bill was to put an end to the allowance-system. He knew, that his hon. friend who had moved the Amendment, said, that many persons thought the measure could not be carried into effect without a collision with the people; but he would have been sorry to support any measure which, in his opinion, could lead to such consequences. He did not, however, see any reason to expect such a result. There might undoubtedly be some danger from effecting sudden changes, without keeping up the means of mitigating at the same time any difficulty which might arise; or if they went to deprive persons of that relief to which they considered themselves fairly entitled. But the very object of the alterations which had been made by him, gave a discretion to the Commissioners to dispense relief when any sudden changes might make it necessary to do so. This would enable the Bill to come into effect gradually, and without danger. Amongst other things it had been stated by the hon. Baronet who had seconded the Amendment, as an argument against the Bill, that a great number of petitions had been presented from a number of large towns hostile to the Bill—that many of these towns were the largest in the country—and that the petitions were signed by 9,000 names! Now, if to all these petitions there were attached no more than 9,000 signatures, he did not think that was a strong proof that the Bill was unpopular in the country generally. The hon. member for Oldham had opposed this Bill, and had stated that its object, and that of the framers of the measure, was to deprive the country of the Poor-laws. He must positively deny, that there was any such object in view. And what were the grounds upon which the hon. Gentleman stated this? Why, he declared, that in three divisions of the country he found the labourers of England better off than they were in any other part of Europe; and that it was in consequence of there being no Poor-laws in Ireland, that the labourers in that country were in so bad a situation! It might be questionable whether there should or should not be a system of Poor-laws introduced into Ireland; but he did not think that any man had a right to say, that the state of the labouring poor there arose from the want of Poor-laws. Some hon. Gentlemen who were most anxious for the happiness of the people, so far from thinking the Poor-laws would do good, thought they would do harm. The hon. member for Oldham had described the comfort of the labouring classes, and he wished he could confirm the statement which had been made. He was, however, glad to hear the hon. Gentleman make such a declaration, because it certainly was not consistent with some statements which the hon. Member had previously made. He wished, indeed, the case were so generally—he wished that every agricultural labourer had his cottage and garden; but unfortunately those who knew anything of the country, knew that the very reverse was the case, especially in places where the Poor-laws were and had been in most active operation. Why, he would ask, did the hon. Gentleman say, that the intention of the framers was to deprive the country of the Poor-laws? He did not, indeed, see how this assertion bore upon the opinion of the hon. Gentleman; for the first reason which he had urged in opposition to the Bill was, that the poor-rates were now less than they had been last year. He could not see how this could be brought forward in support of the opinion of the hon. member for Oldham, for it had nothing to do with the question. Again, the hon. Gentleman spoke of the instructions which had been given to the person who framed the Bill. Now, in that, as on former debates, every hon. Member who had spoken against the Bill, had argued the matter as if its provisions were precisely the same as those of the Report of the Poor-law Commissioners; but the Bill was not the same—it was not so extensive, for instance, with reference to the workhouse system. It had been stated, that there was a surplus population in this country, and that such a surplus was inconsistent with the use of workhouses. There might be a surplus population, he believed, in some places; but he confessed he doubted the fact in the majority of cases. They knew, that in some parts of the country there was a difficulty in getting in the harvest, unless by the aid of Irish labourers; and he, therefore, could not think the case which had been assumed, by any means proved that there was a surplus population in the country. But allowing that there was this surplus population, he did not see that such a matter was inconsistent with the employment of workhouses, as a part of the means of relief. If they looked to counties where the workhouse system had been known, in part of the county of Nottingham for instance, there undoubtedly appeared to be a surplus population. Before that system existed, the effect was such as he had stated. At first, many persons came into the workhouse, but the number was now very small indeed; and the labourers were in a better condition. With respect to the situation of the aged, the sick, and infirm, he felt that every attention ought to be paid to them. It would be very harsh, and wholly inconsistent with the principle of this Bill, or with the law of the country, if every attention were not paid to their wants; but he did not see why it should be inconsistent with their comfort to place them in workhouses, in cases where the parties were unable through themselves, or their friends, to gain the means of support. It had been stated, that no hon. Gentleman who opposed the Bill defended the whole system of Poor-laws, as at present administered. The allowance system had been defended; but the hon. Gentleman said, he did not defend Mr. Sturges Bourne's Act. He did not, however, record this as one of the abuses of the Poor-laws; but every one of the complaints of the Administration of the Poor-laws had been separately advocated, though no hon. Gentleman attempted to defend the system altogether. Some hon. Gentlemen objected to this Bill, because it was a departure from the Act of 43rd Queen Elizabeth; and something had been said relative to that Act by the hon. member for West Kent. But the principle of that Act was, to confine the relief to be given to the poor, the aged, and the infirm; and for those persons it was undoubtedly necessary to provide. The House would find, that there was in this Bill no departure from the principle of the Act 43rd of Queen Elizabeth. The object of the Bill was, that no person should receive relief without being placed in a worse situation than the independent labourer, which, as he apprehended, was really the principle upon which the Act of Elizabeth proceeded. But the hon. member for Worcester said, it was not right to go back to the law of Elizabeth, because the situation of the country was now very different. This then was quite inconsistent with the opinions of those who thought that this was a departure from that Act. He believed that in passing this measure they only acted upon the principle of the Act of Queen Elizabeth, but from the altered circumstances of the country, the details were of necessity different in many respects. He did not think, that many of the alterations which had been made in the Bill had been suggested by the opponents of the measure. Alterations had been made by hon. Gentlemen supporting the provisions of his Bill; but certainly the House was not so inclined to adopt the suggestions of those who differed on the principle of the measure, though he himself had been ready to meet the views of those who generally approved of the Bill. The question for the House to decide was, whether any other measure which could be devised would effect the object sought to be attained? Whether they should continue the present system of Poor-laws, or adopt this measure? It was said, that great discretionary powers were given to the Commissioners. Undoubtedly there were; and it was necessary to give them, because if they attempted, under the present administration of the Poor-laws, to fix any precise time at which these changes should take place, the effect might have been in the first place (though he believed such a plan would have been impracticable) to create danger. But by giving these discretionary powers of bringing this measure gradually into operation, the effect (as he hoped) would be, to diminish the Poor-rates, but not to diminish the subsistence to the labourer. He believed that this measure would go to improve the condition of the labouring classes, while the present system went to destroy their independence and to demoralize them. It was asked how this Bill would do good to the landed interest if it did not diminish the amount of money to be given to the labourer. It would improve the condition of the farmer, by improving the habits of the labourer. The money which was given to the independent labourer as wages ensured better work on his part, than when half his earnings were doled out to him as an allowance from the parish. The hon. member for Wiltshire had made a statement in reference to the average rate of wages, in different places; but he could say, that statement was incorrect. The average rate of wages in the north of Nottinghamshire was 13*s.* per week; in Northampton, 9*s.*, which gave nothing like the sums per year stated by the hon. Member. He would not however further detain the House on the present occasion. The House having supported this Bill by large majorities in its various stages up to that moment, he hoped that on this occasion of the third reading they would give the measure the same support.

Mr. *Leech* said it was impossible, in reflecting on the nature of this Bill, not to feel that it must render the breach between the rich and the poor wider than it had ever hitherto been. A great hardship would be inflicted on married men if sent to a distance from their homes, and subjected to the control of strangers. He recommended the postponement of the Bill till the next Session of Parliament, and in the mean time advised, that the amended Bill should be distributed throughout the country, that the sense of the people might be collected upon it, after the most mature consideration. He deprecated as much as any man the present mode of administering the Poor-laws; it was directly at variance with the principle of the law of Elizabeth; and the cause of that deviation arose from the very high price which wheat obtained many years ago, when it varied from 30*l.* to 45*l.* per load. The mischief was occasioned by the farmers at that time not advancing the wages of their men in proportion to the advance in the price of wheat; which induced the Magistrates, from humane motives, to adopt the allowance system. He was of opinion, that great evils would arise out of the Bill, particularly in respect to workhouses. He was sorry to vote against it; but it professed to take away power from the local authorities, and place it in the hands of strangers; and, much as he disliked the present system, owing to the maladministration of it, he would rather go on with that than have this Bill.

Mr. *O'Connell* said, that as this Bill did not relate to that part of the British empire with which he was more immediately connected, he should not have said one word upon this motion, except that he wished to state why he voted against the third reading of this Bill. He did so because it did away with personal feelings and connexions, because it erected an unconstitutional tribunal, and because it gave an accumulation of votes to the wealthy over the poorer classes. Notwithstanding, he felt that the evils of the present system were great, this most unconstitutional measure would, in his opinion, increase the evils.

Sir *Charles Burrell* could not agree with the noble Lord the Chancellor of the Exchequer, that there was anything in this Bill which went hand in hand with the 43rd of Elizabeth.

Mr. *Tower*, while he admitted that the existing state of the Poor-laws called for amendment, expressed his regret that he could not consistently support the measure under consideration.

The House divided on the original question:—Ayes 187; Noes 50; Majority 137.

Bill read a third time, and various Amendments were proposed; some were added to the Bill, others were rejected, and the Bill was finally passed.

List of the Noes.

Attwood, M.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Baring, H.
Blackstone, W. S.
Brotherton, J.
Burrell, Sir C.
Cobbett, W.
Duffield, T.
Duncombe, W.
Egerton, W. T.
Faithfull, G.
Fielden, J.
Fitzsimon, C.
Fryer, R.
Guise, Sir B. W.
Gully, J.
Halcomb, J.
Halse, J.
Hardy, J.
Hughes, H.
Humphery, J.
Kennedy, J.
Leech, J.
Lister, E. C.
Lowther, Hon. Col.
O'Connell, D.
O'Connell, Maurice
O'Connell, Morgan
O'Connell, J.
Parker, Sir H.
Potter, R.
Rider, T.
Robinson, G. R.
Ruthven, E.
Scholefield, J.
Somerset, Lord G.
Spry, S. T.
Stanley, E.
Thicknesse, R.
Tower, C. T.
Vigors, N. A.
Vyvyan, Sir R.
Walter, J.
Whalley, Sir S.
Williams, Col.
Willoughby, Sir H.
Wilks, J.
Young, G. F.

TELLERS.

Benett, J.
Hodges, T. L.

PAIRED OFF.

Tennyson, Charles

Colonies — Aboriginal Tribes.] Mr. *Fowell Buxton* in rising to move for an inquiry into the state and condition of the aboriginal tribes of countries in, and adjacent to, colonies under the dominion of Great Britain, said, that he would not at that late hour trouble the House by going into any details on the subject of his Motion. He would content himself by stating, that in every place where we had established a colony, the native inhabitants, instead of being benefited, were injured by our presence among them. In every British Colony, without exception, the aboriginal inhabitants had greatly decreased, and still continued rapidly to dwindle away. This was the case in Australia and Africa and in North America, and as had been remarked by a Mr. Hamilton, British brandy and gunpowder had done their work in thinning the natives. The hon. Member quoted several passages in illustration of his views from well known writers. In South Africa, it was considered the most meritorious action a European could perform, to shoot the natives. The introduction of civilization, therefore, instead of proving a blessing, had proved a curse to the Aborigines of the different countries, into which we had carried what we called the blessings of civilization. It was high time that some measures were adopted, with the view of arresting the rapid decrease which was taking place among the native inhabitants of the colonies. Justice and humanity alike required it. He (Mr. Buxton) would not, at this late period of the Session, move for a Select Committee to inquire into the matter, because he was satisfied that his right hon. friend, the Secretary for the Colonies, would be willing and ready to give every information in his power on the subject. He would content himself with moving, "that an address be presented to his Majesty, praying that he would be graciously pleased to cause an inquiry to be made into the state and condition of the native inhabitants in and adjacent to colonies under the dominion of Great Britain."

Mr. Secretary *Rice* did not know of any mode in which he could more strongly express his assent to the propositions and principles laid down by his hon. friend, than by seconding the Motion which he had made. He was prepared to furnish the hon. Gentleman with all the information which he possessed on the subject. He held in his hand a number of valuable documents, which he would have great pleasure in laying before the House; and if his hon. friend should think proper next Session to bring forward a Motion for a Committee of inquiry, he would most willingly support it. But while he thus expressed his cordial approval of the principles which the hon. Gentleman had advanced on the subject, he must differ from him as to the amount of the evils to which he had referred. There must be evils to a certain extent, consequent on the introduction of civilization into a savage country, and these evils, though he could not hope that they could be done away with altogether, he would use every exertion to reduce.

Mr. *Pease* was happy to hear the speeches of both the hon. Gentlemen. It afforded him particular pleasure, and he was sure it would do the same to the country, to see the promptitude and cordiality with which the right hon. Secretary for the Colonies concurred in the opinions expressed by the hon. member for Weymouth.

The Motion agreed to.

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HOUSE OF LORDS,

Wednesday, July 2, 1834.

MINUTES.] Petitions presented. By Lord FARNHAM and the Bishop of LONDON, from several Places,—for the Better Observance of the Sabbath.—By the Marquess of SALISBURY, the Earl of HAREWOOD, Lord ROLLE, the Archbishop of CANTERBURY, and the Bishop of LONDON, from a Number of Places,—for Protection to the Established Church of England and Ireland against the Admission of the Dissenters to the Universities, and against the Separation of Church and State.

OBSERVANCE OF THE SABBATH.] The Bishop of *London*, in presenting a petition to their Lordships on the Observance of the Sabbath, said, he regretted to observe, as he thought he had, the growing inattention to the subject, and he feared he must add, from what had passed in another place, the growing disinclination to yield even to the increasing importunity of the people any legislative protection for the better observance of the Lord's Day. It was from no motive of affected sanctity, from no spirit of Puritanism, but from a feeling of humanity, of charity, and of the soundest policy, that he made such an observation. He was one of the last persons in the world who was anxious for the mere statutory enforcement of religious duties, being fully convinced, that that was the most unlikely way to obtain the object he had in view, and being well assured, that any such attempt must in the present state of the world be unsuccessful; but the observance of the Lord's Day was placed under different circumstances. There was no Christian country in which that day was not solemnly observed; and it was the duty of a Christian community to afford to all classes of the people the means of observing it, consistently with their own religious tenets. He was not one of those who wished, by the force of an Act of Parliament, to make people go to Church and say their prayers; the Legislature should take care that every person had the opportunity of doing that. Their Lordships were bound to see, that every man had the means of discharging his religious duties, and they ought to protect him against any encroachment upon those means; they should protect from interruption all those who were anxious to observe the Lord's Day by an attention to religion. That day had been wisely instituted as a day of rest; man's body required relaxation from usual labours one day in seven, and on that day his mind might, without injury to his necessary calling, be devoted to religious exercises. At all events, the Legislature should take care that individuals were not compelled to have this day—which not only Divine Law had established as a day of rest, but which medical science had discovered to be absolutely necessary for the preservation of man's health—broken in upon by worldly employment. At present many of the lower classes were compelled to work for the benefit or the pleasure of the higher classes—such as the fishmonger, the baker, the poulterer, and others whom he might mention. He wished to provide against this abuse, and for that reason he was anxious to see the Bill pass which was on their Lordships' Table. He did not wish to restrict, but to benefit the poor; he had just borne testimony against the labour which the higher classes imposed upon some of the lower classes on a Sunday; and he assured the House that his chief object was, to prevent the recurrence of that evil in future. He knew that those who supported the side of the question which he was advocating were often called uncharitable, and were accused of a desire to curtail the amusements of the poor. The accusation was unjust. He desired no such thing, for he knew, that the question of the amusements of the people must be left to the good feeling of the people at large. The petitioners prayed their Lordships to amend in some respects the Bill now upon their Lordships' Table, they approved of some parts of the measure which the noble and learned Lord (Lord Wynford) had introduced, but they objected to some of the details, as those details appeared to give a legal sanction to the continuance of certain trades on the Sunday—a matter which, in the opinion of the petitioners, ought to be avoided, The right reverend Prelate presented Petitions from places in Derbyshire; from Shrewsbury, and Burslem, in favour of a measure for the better observance of the Sabbath.

Lord *Wynford* said, that after the difficulties which he had already met with in endeavouring to pass this Bill
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through their Lordships' House—after the resistance which he saw offered to another measure in the other House of Parliament—and after finding that those who approved of the principle of the Bill objected to some of the details, he almost despaired of being able to pass the Bill he had introduced. Considering all these things, it would be as well for him at once to declare that it was not his intention to go further with the present Bill, but rather to wait for that which was now in its progress through the other House of Parliament.

BREACH OF PRIVILEGE—MORNING POST.] Lord Wynford moved, that the Order of the Day for the further consideration of the petition of Thomas Bittleston be read.

The Order of the Day and the Petition were read.

Lord Wynford moved, that Thomas Bittleston be brought to the Bar of the House in custody of the Usher of the Black Rod; and that, having acknowledged his offence, and expressed his regret for it, he should be reprimanded by the Lord Chancellor, and discharged, on payment of his fees.

The Motion was carried.

Mr. Bittleston was brought to the Bar in the custody of the Deputy Usher of the Black Rod.

The *Lord Chancellor* addressed him in the following terms:—Thomas Bittleston, you have acknowledged that you are the publisher of a composition which this House has unanimously pronounced to be a gross violation of its privileges. You have acknowledged that you had the superintendence and control of the paper in which the publication of that composition was made, and that you could have prevented its publication, or have altered its composition, if you had so thought fit. You have since presented a petition to this House expressing your regret for the grave offence you have committed, and you have thrown yourself on the mercy of this House, praying that in administering the justice due to itself, and due to the King's subjects at large—for its privileges are the privileges of those subjects—it would be pleased to temper that justice with mercy. The House has listened to your prayer, and has directed me to reprimand you at the Bar of the House, and to order that you be discharged from the custody of the officer on the payment of your fees. If any other person than myself had been the individual against whom the violation of the privileges of this House had been committed, I should have been disposed to dwell at greater length on the unparaleled enormity of this offence; nor am I to be deterred by a false delicacy from giving that offence its proper appellation, merely because I was the individual against whom it was directed. It was an offence directed not against the man, but against the office—not the office of a Peer in his Parliamentary capacity, but against a Peer in the exercise of his judicial office—the highest office which any of the King's subjects can exercise; and if such an offence could be passed over without animadversion and due punishment, there would be an end to the judicial authority which this House administers to twenty millions of the King's subjects living within the United Kingdom, being the highest Court of Justice in this kingdom. Nevertheless, enough has been said to express the unanimous feeling of reprobation entertained by this House with regard to the composition of which you have acknowledged yourself the publisher; and let neither you nor any other person who hears of this, flatter himself, that if such an offence is repeated, the lenity of this punishment will be suffered to form any the slightest precedent for visiting again with the same lenity any after offence of a like kind. You are hereby discharged from the custody in which you now are, on the payment of your fees.

Mr. Bittleston retired.

POOR LAWS' AMENDMENT.] Mr. Ellice and others from the Commons brought up the Poor Laws' Amendment Bill.

Earl *Grey* moved, that the Bill be read a first time, and stated that it was his intention to move the second reading on Monday next.

The Earl of *Malmesbury* felt it impossible to avoid making a few observations on this important Bill in the present stage. Their Lordships were in the sixth month of their sitting, and they were now called on to consider a measure which yielded to none in importance that had ever occupied the attention of Parliament—not even the Reform Bill: for it was impossible for any man to foresee what would be the result of the present Bill, if ever it should be carried into operation. He looked upon it —and he trusted he was right in doing so— as not being a party measure; but he most deeply lamented the course which his Majesty's Government had been pleased to follow with respect to it. The Bill embraced three distinct subjects—viz., relief, settlement, and bastardy, which, in his opinion, it would have been much better to have dealt with in three separate measures. If this plan had been adopted, he was aware that the Bill relating to relief must of necessity have originated in the other House, but the other two Bills might have been introduced in the House of Lords, and have been disposed of before the present time; for since Easter their Lordships had had little else to do but to listen to the tedious proceedings connected with the Warwick Bill. The Bill which had just been brought up contained not less than ninety clauses, and it was reasonable to suppose, that their Lordships would devote a long period to its consideration. On the 17th of April last the Bill was brought in by the Chancellor of the Exchequer, and it had consequently remained under discussion in the other House for no less a period than seventy-six days. If their Lordships should devote the same time to its consideration, the Session would be prolonged to the middle of the month of September; and even then there would remain other very important questions for deliberation. He thought it would be a far wiser and more just proceeding as regarded the poor, whose interests were involved in the present measure, to let it stand over till next Session, and thus an opportunity would be afforded, which had not as yet been given, for the proper understanding of the proposed enactments. He admitted, that great abuses prevailed in the mode of administering relief to the poor, but he had always thought that those abuses arose more from the mal-administration, than the defect of the existing law. He was sure, that every one of their Lordships who had paid any attention to the subject would admit, that within the last three years a very great improvement had been made in the administration of the Poor-laws. A diminution in the amount of the poor-rates of three and a-half per cent had, in fact, taken place during the last year. He was aware that that diminution might in part be attributed to the fall in the price of provisions: but he would appeal to their Lordships, whether a change in the administration of the existing laws had not worked wonders as respected the condition of a vast number of parishes, both in the country and in this metropolis? He was confident, from the knowledge he possessed of the mode of transacting business in that House, that justice could not be done the Bill, if their Lordships should determine to begin the consideration of its various enactments in the month of July. He, for one, should not be able to be present during the discussions in Committee, and he thought that the attendance of any great number of Peers was not to be expected at so late a period of the Session. There was no part of the Bill to which he could give his unqualified approbation. He could neither give his assent to the enactments relating to relief, settlement, nor bastardy in particular. He could not help calling their Lordships' especial attention to this last subject, and he trusted they would legislate with respect to it as men. He appealed to their feelings as men, and he asked them, whether they would throw upon the unfortunate seduced woman the whole burthen of maintaining her child, and allow the seducer to stalk abroad with perfect impunity? He repeated, that at the present period of the Session the Bill could not meet with proper consideration, and he saw no imperative necessity for its passing in the present year. A great improvement had already taken place in the administration of the existing law, and he had no doubt that a still further improvement might be expected in the course of the ensuing year, in consequence of the suggestions of the Commissioners and the example of well-regulated parishes. Under these circumstances, would it not be better to allow the matter to rest until next Session, instead of passing such a mass of enactments as was contained in the Bill on the Table, and with not a word of which were their Lordships as yet acquainted? And let them bear in mind, that all these various and complicated enactments were to be put into operation under the direction of a set of Commissioners possessing no local knowledge, and who would cut off all communication between the lower and higher classes, and deprive the poor man of the privilege he now possessed of appealing to the rich man against the decisions of a grinding overseer. He spoke feelingly on this subject; he spoke on behalf of the poor population in the southern part of this country; and he trusted that their Lordships would hesitate long before they passed into law a measure only inferior in importance to the Reform Bill; if indeed, considering the general application of its provisions, it could properly be said to be less important than any subject whatever which had hitherto occupied the attention of Parliament.

Earl *Grey* entirely agreed with the noble Earl in thinking that the Bill just brought up, was less than any other, a party measure; and he trusted that it would not be so considered. The Government had, as in duty bound, bestowed the most careful and deliberate attention on this most complicated, difficult subject; affecting, as the noble Earl had most truly stated, most extensively the interests of the people, and involving more important consequences than almost any other measure ever submitted to Parliament. Such being the character of the Bill, he hoped their Lordships would consider it maturely and deliberately, without reference to its being in form proposed by his Majesty's Government, but with reference only to the effect which its application was likely to have on the country in general. That such a Bill required mature deliberation he admitted, and he regretted, in common with the noble Earl, that it had not been brought up to that House at an earlier period of the Session; but when he directed their Lordships' attention to the character of the Bill, and to the interests which it affected, he was sure they would acknowledge that the subject to which it related was one of no easy adjustment; and they, therefore, perhaps, would not wonder that the Bill had not found its way sooner to that House. He did not, however, think that their Lordships would, as the noble Earl apprehended, come to the discussion of this question in an unprepared state, when he recollected how long the able report of the Poor-law Commissioners, in which the whole subject was developed with great ability and accuracy, had been before the public, and when he also recollected the long discussions which the Bill had undergone in its different stages in the other House of Parliament, and more particularly in the Committee. Those who had attended to these discussions, and had watched the changes which had been made in the Bill, must be prepared to take the measure into consideration at the earliest opportunity; and he was of opinion that the pains bestowed on the investigation of the subject by the Commissioners, and by the other House of Parliament, would be found greatly to facilitate their Lordships' deliberations. Such being his opinion, he could not give his assent to the noble Earl's proposition, that the passing of the Bill should be deferred to another Session, believing as he did, that so far from any advantage being gained by such a proceeding, much inconvenience was likely to arise from the sort of agitation which might be excited. The noble Earl had stated, that the Bill ought to have been divided into three separate measures, two of which might have originated in that House. He could assure the noble Earl, that the expediency of dividing the Bill into separate enactments had not escaped the attention of Ministers; but after the most mature deliberation, it seemed advisable to them, that the whole subject should be taken together as one system, and that all its parts should be combined in the same Bill. He, however, understood from very good authority, that the noble Earl was misinformed as to the power of Government to originate any measure in that House, either relating to bastardy or settlement. Under these circumstances, he must press their Lordships to proceed to the consideration of the present Bill with as little delay as was consistent with its mature consideration, and with the due performance of the duty which now devolved on them, of concurring with the other House in the settlement of this important question, which had been under discussion ever since he first entered Parliament, now nearly half a century ago. During that period the abuses and evils which had arisen from the Poor-laws, chiefly perhaps from their defective administration, had formed the subject of constant discussions and propositions; and now that a new system was submitted to Parliament, formed after the most careful deliberation, and which, if carried into effect, would, he believed, be attended with great advantage, he did trust that their Lordships, even if they should be obliged to extend their sittings to an unusal period, would apply themselves diligently to the consideration of the Bill, so that it might be passed into a law during the present Session. The remarks which the noble Earl had made relative to some of the provisions of the Bill were in his opinion rather premature; but to the principle of the Bill generally he did not understand that any objection was likely to be offered. Indeed, the evil arising from the present state of the Poor-laws was so generally admitted, and he believed not denied by the noble Earl himself, that he did not see how their Lordships could absolve themselves from the duty of making some attempt to remove or diminish it. It might be true, that that evil arose in a great degree from the mal-administration of the Poor-laws; and he was ready to admit that in parishes where they were well administered great improvements had been introduced. But he was sure, that when their Lordships looked to the state of the Poor-laws themselves, when they considered the different principles upon which those who had to administer those laws acted, and how difficult it was, to introduce improvements which had been effected in one parish into another where different notions and strong prejudices prevailed, they would not be indisposed to take into their deliberation a measure which was proposed with the view of putting an end to those inconveniences, to which the circumstances he had alluded gave rise. Considering the length of time the Report of the Commissioners and the Bill itself had been before the public, he did not think he was acting unreasonably in fixing the second reading of the Bill for as early a day as possible. After the second reading he should not object to some time intervening before carrying the Bill into the Committee, if any noble Lord should make a proposition to that effect.

The Marquess of *Salisbury* wished the noble Earl to postpone the second reading to a later period than Monday next.

The Duke of *Richmond* was inclined to agree with his noble friend, that it was right to take an early day for the second reading, else they would never get it into Committee. It should be recollected that the Bill did not go so far as the Commissioners proposed, and the second reading only pledged them to the principle of the Bill. He himself should not give his consent at once to every part of the Bill, but should wait till it got into Committee, and there form his opinion upon it, but he could not think that the consideration of it should be indefinitely put off. The second reading merely went to the principle of the Bill, and that principle was, that the Poor-laws should be amended, so that the honest and industrious labourer should be protected against maintaining the idle and dissolute. It was their duty to do all they could to reinstate the labourer in that situation in which he trusted to his honest exertions and industry, and did not apply on every occasion for parish relief.

The Marquess of *Salisbury* said, that his object was not what the noble Duke seemed to suppose, namely, to postpone the Bill indefinitely. He wanted more time given for its consideration. There were a number of clauses that showed that the principle of the Bill was nothing more than to institute a Central Board of Commissioners, and to take the management of the poor out of the hands of their natural guardians, and to give it to these Commissioners. More was proposed to be done than was necessary for the advantage of the poor, and an immense patronage was to be created, which was not required.

The *Lord Chancellor* said, that the chief point involved in this Bill was whether their Lordships should retain their properties or not. It was the opinion of the Commissioners, and in that opinion he concurred, that if this measure, or a measure similar to it, were not speedily adopted, the property of this country would shortly change hands. He did not think that this question ought to be made a subject of attack upon Ministers, or for divisions against the existing Government. He hoped the question would be taken into unbiassed and serious consideration by their Lordships, and that without delay. He trusted that it would not be allowed to stand over till next winter, or till any future Session of Parliament, nominally that their Lordships might have time to consider the subject, but actually in order that it might be made to answer the views of jobbers in vestries and local agitators in the country. If it were with a view that the question should be properly understood that the Motion for postponement was made, he should be the last man to oppose it, but as the delay was not necessary for that purpose, he hoped his noble friend would not consent to withdraw his Motion for the first reading of the Bill.

The Bishop of *London* said, that although the Bill might not be calculated to alleviate all the evils of the present system of Poor-laws, yet the principle on which the measure was founded, undoubtedly was to reinstate, as far as possible, the labouring classes, in the condition which they enjoyed some few years ago. He was wrong, however, in saying a few years—for the object was, to bring them into the situation in which they were found about half a century ago. Such was the principle of the Bill as it left the hands of the Commissioners, and although it was altered in the other House of Parliament so as, in some manner, to impair its efficiency, yet he could not help thinking that the noble Earl had mistaken both the principles and machinery of the Bill. The Commissioners had recommended nothing but what had stood the test of experience, and which had been tried in large and important parishes, and been found to answer beyond the expectation of its most sanguine well-wishers. He, therefore, felt assured, that if the main principles of the Bill were adopted by their Lordships, they would do that which was consistent with the best principles of humanity, and the truest and soundest principles of economy.

Bill read a first time, and Tuesday was fixed for the second reading.

HOUSE OF COMMONS,

Wednesday, July 2, 1834.

MINUTES.] Petitions presented. By Lord NORREYS, from Denton, against granting the Claims of the Dissenters—By Mr. HUME, from Auchtermuchty, against the Corn Laws; from Brechin, against the Church Rates Bill.—By Captain ELLIOTT, from the Parochial Schoolmasters of Kelso, for an increased Stipend; from three Places, for the Separation of Church and State; from Kelso, against Drunkenness; from Galashiels, in favour of the Leith Harbour Bill.—By Mr. BAINES, from Jamaica, for Compensation for Chapels destroyed during the Riots.—By Lord MORPETH, from Leeds, for the Repeal of the Duty on Olive Oil.—By Mr. HODGES, from several Places, for Protection to the Church of England.

REGISTER OF BIRTHS.] On the Motion of Lord John Russell the House went into a Committee on the Register of Births Bill.

Clause 1 and 2 were agreed to. On the 3rd Clause being read, Mr. Finch objected to proceeding with the Bill until explanation were given. He wished to know why the Dissenters could not establish a system of Registration without breaking up the system established by the Churchmen and without handing them over to the tax-gatherers.

The *Attorney General* said, that a Registration of Births of Dissenters was necessary even to Churchmen and to all persons who had or who might be left property. Without a proper and legal registry of births, marriages, and deaths it would be in many cases, and in cases where members of the establishment, and of every sect might be concerned, very difficult to decide in a Court of Law to whom property belonged. In the course of his practice he had seen in Courts of Law forgeries and many other expedients resorted to to obtain property, all of which would have been prevented if there had existed a full registry of births, marriages, and deaths.

Lord *Sandon* objected to that part of the proposed measure which enjoined a penalty even on the poor man unless it was found that he registered within a certain period. Besides this pecuniary punishment, he considered it harsh that a family should be disturbed at a time when death had brought them under affliction, and that they should be put to the cruel inconvenience that would result from this Bill.

Lord *Althorp* said, that the Bill was brought in because the present mode of registration was extremely defective. The principle of it would be to cause the collectors of taxes to receive the registers, which were to be supervised by the surveyors of taxes, and transmitted by them to a general Registry-office. It seemed to him, that this mode of registration might answer. He saw no reason whatever why the machinery of the Bill should not work well, and he considered, that this was the best mode which had been yet suggested for the purpose of the registration of births.

Colonel *Davies* agreed in the importance of the Bill, but did not object to proceeding with the discussion of it at that time. He should have preferred it if the duty of keeping the parish register had been thrown on the clergyman or the parish clerk than on the tax-gatherer. He thought, that by this means the register would be taken greater care of, as it would be locked up with the other documents belonging to the parish.

Mr. *Baines* thought, that there would be many objections to such an arrangement as was proposed by his hon. friend (Colonel Davies). One of the chief objections to the arrangement proposed by the noble Lord (Lord John Russell) was, that it created an appearance of dependence on the Church.

Dr. *Lushington* had not expected that the Bill would have been proceeded with during the present Session. He agreed with the Attorney-General as to the absolute necessity of some general registry of births and marriages. He could state, from his own experience, that the present system was productive of the greatest inconvenience, and he was, therefore, willing to lend his assistance to any measure which would remedy the defects of it, so that there should be a complete register of births, marriages, and deaths. At the same time, he was bound to state, that it appeared to him that the question was replete with difficulties, and it required the greatest deliberation on the part of the House, both as to its principle and details, before the House could deal with it. He doubted whether the present measure would attain the ends in view. If, however, his Majesty's Ministers and the House thought there was time in the present Session to frame the Bill in such a way as to overcome all the difficulties which might arise, he would concur, and would render every assistance for the purpose of carrying it into effect; but it would be most objectionable to attempt to carry any measure which was not satisfactory. He thought it most desirable that they should have a registry to refer to in cases of difficulty; but the present Bill admitted the registry as evidence in cases in which he believed that it would not be altogether prudent. He was afraid, also, that the machinery contemplated by the Bill would be too expensive, and doubted whether the consequence would not be the keeping a number of registers, and thus diminishing the security. He would not oppose proceeding with the Bill, but would wait till it came out of Committee, when he should be able to judge whether the measure was sufficiently improved to be carried into effect. Though the advantages of a registry were very great, he never would agree to a measure for the purpose, unless it could be easily carried into effect, and at the same time afford security.

Sir *John Wrottesley* was most anxious that the measure should be carried into effect. He thought that the tax-gatherer was the best person who could be selected in each parish to keep the registry, as he was generally an intelligent man. He would be in constant intercourse with the collector, to whom he could refer in case of difficulty, and the collector would be able to refer, if necessary, to the Board.

The clause was agreed to, as were the clauses to 12 inclusive.

On clause 13 requiring occupiers or owners of houses to give notice of births, &c.,

Dr. *Lushington* said, he wished to ask the hon. and learned promoter of the Bill, how it was possible to reconcile clause 11 with the clause now under consideration? There was nothing in this Bill which could enable the registrar to ascertain the fact of either birth or death with positive accuracy. As the clauses stood, the foundation of the entry in the registry would be no better than hearsay evidence, and as such evidence could not be received in a Court of Law, it followed that a registry so conducted would be of no possible advantage. He had not been aware that it was intended to press this measure through during the present Session, or he should have examined its provisions with greater care; but the House ought not to agree to this clause as it stood. He was told that a clause was to be introduced to correct the defect to which he had alluded, and all he could say was, that in the framing of any such clause great care should be taken to provide that the entry in the registry should only be made on the information of a party who had means of ascertaining the fact, stated positively and beyond all doubt.

Lord *John Russell* said, that he felt the full force of his hon. and learned friend's observation. The defect which he pointed out was one that ought to be remedied, and therefore he hoped that his hon. and learned friend would assist in framing such a clause as would meet the difficulty to which he adverted.

Sir *Robert Peel* said, that in the case of births it would be extremely difficult, as they all knew, to obtain such information as could be relied on; and the same observation would apply to the case of deaths, though not perhaps with equal force. As far as related to the members of the Church of England, he was inclined to believe that the existing system of registration would be preferred to that now proposed. The present system of registration kept up the spiritual connection which ought to subsist between the Minister and his congregation; and he should object to any measure the tendency of which would be to discontinue that connection. There was another point on which he thought the promoters of this Bill were bound to furnish the House with information, and that was as to the probable expense which would be incurred in carrying this measure into effect. Day after day Committees of that House were employed in cutting down the public and local expenditure of the country, but how could the county rate, or any other rate be reduced, if Bills of this description, imposing new burthens, were continually multiplied? On principles of toleration, the Protestant clergy should be suffered to keep the registries which they were now bound by law to keep, if they were willing to do so, and if the members of the Established Church were satisfied with the present mode of registration, it would be unfair to fix new burthens upon them. He was convinced that the mode of registration proposed by this Bill, would not be half so satisfactory to the members of the establishment, as that which existed; and therefore, although he attached very great importance to a general registry of this nature, he must object to any measure which might have the tendency of undermining the registries kept by the clergy of the Church of England. He was satisfied, that no persons belonging to the communion of that Church would avail themselves of the new law, even if enacted.

Mr. *Brougham* said, that the Bill was intended not only for the relief of Dissenters, but of the whole community. When he introduced it, he stated that it was not meant to interfere with the registries kept in churches, or the fees consequent upon those registries payable to the clergy. This was apparent in the first clause. There was no intention whatever to disturb the existing law relating to the registration of baptisms and burials: on the contrary, the Act of the 52nd of Geo. 3rd, under which such registries were kept, would remain in operation. At present there was no record of births and deaths, and the great object of this Bill was, to supply that defect, which was severely felt in cases of title and other cases involving property. He thought that such a record would be a great benefit to the community at large, and therefore he hoped the Committee would agree to the clause.

Sir *Robert Peel*—Then it would seem that the statute of the 52nd of Geo. 3rd was to continue in operation, notwithstanding this Bill passed into a law. This fact in itself created an almost insurmountable difficulty. By the 52nd of Geo. 3rd, the clergy of the Church of England were bound to provide books in which the registries were to be kept, and that being the case, where was the necessity of this double expense? But there was something, he must say, very anomalous in having two sets of registries. The registry of baptisms and burials was to be kept by one party, while that of births and deaths was to be kept by another, but would not such a system lead to endless complexity? The person who made a search would have to consult two distinct authorities, and if those authorities happened to disagree, or did not tally exactly with each other, what would be the consequence? In such a case, and it was one likely enough to happen, where would be the advantage of either registry? Such a mode of registration would, to say the least of it, be a most cumbrous proceeding, and therefore, however willing he was to admit, that there ought to be a record of births and deaths as well as of baptisms and burials, he could not give his assent to that which, even if adopted, could lead to no beneficial result.

Mr. *Baring* observed, that the whole merit of a registry of births would depend upon the fact of the child being named in the entry; for without the name the entry would be unintelligible. What information, for instance, would an entry furnish which stated that the child of Henry Thompson and Mary Ann, his wife, was born on such a day? The registry of birth, and the baptism of the child must, to be worth anything, be contemporaneous acts, and parents must have their children baptized almost as soon as born.

Mr. *Pease* said, that although he belonged to a body who would not give up the mode of registration which they had adopted for any other, he still thought that a correct record of births and deaths was desirable. The 17th clause would remove the difficulty which had been raised with respect to the name of the child.

Mr. *Goulburn* said, that a double registry was calculated only to embarrass the investigations of titles. Evidence of birth derived from one source and of baptism from another would involve titles in such difficulties that it would be impossible to get over them; but if the registry was to be kept by the same party the objection to which he alluded might be got over.

Lord *John Russell* said, the registry, as at present made, only noted baptisms and burials, not for civil purposes. For these purposes it was absolutely necessary that there should be a registry of births and deaths. This registry would be best effected by using the machinery of the Tax-office, and the expense incurred by using this machinery, would not be above 60,000*l.* or 70,000*l.*—an expense which he was satisfied the House would not consider too great for accomplishing so important a national object.

The *Attorney General* certainly wished to see one general measure of registration established. The one proposed he did not look upon as perfect; but it could not be denied, that it was a great improvement on the existing practice. It was a measure which would, so far from injuring, be of great service to the members of the Establishment; for as their registries at present stood, baptisms and burials were of no avail in courts, as Judges could not receive such registries in evidence. The expense which it would entail on members of the Established Church ought not to be urged, when it was remembered that Dissenters were frequently taxed for purposes purely connected with the Establishment.

Dr. *Lushington* thought it would be wrong to continue the old mode of registry concurrently with the new one. It would only involve double expense, and the old system gave not what was desired —a registry of births and deaths, but of christenings and burials.

The *Attorney General* said, that if, on the faith of an untried experiment, they were at once to abolish parochial registration, they would create the greatest alarm throughout the country. If his hon. and learned friend had read the evidence, he would have found, that there were many persons who seriously believed it would endanger the Church. A large number of persons were interested in it, for they derived large emoluments from it. As a practical man, he wished to ascertain that the new system would work well before he abolished the old one. Old London bridge was not pulled down till the new one was built, and its stability proved.

Mr. *Pollock* knew, that the present system, imperfect as it was, had conferred many benefits on the country, and he thought it desirable to have more than one means of obtaining correct evidence, especially as reasonable doubts might be entertained in many cases whether the provisions of this Act would be strictly followed. It would be hard to refuse to the professors of the Church of England the privilege they now enjoyed, if they thought proper to desire its continuance. He hoped that in what his hon. and learned friend had said, he did not mean to attribute interested motives to those persons to whom he had alluded.

The Clause, with verbal Amendments, was agreed to.

On arriving at the 17th Clause, enacting that "a penalty be imposed on any person registering a child in one name, and baptising it in another," it was proposed to fill up the blank with the sum of twenty shillings.

Mr. *Goulburn* considered the penalty too large—a smaller sum would answer every purpose.

Mr. *O'Connell* thought that they lived in rather changeable times, and ought to allow a little variety in one matter as well as in another. For instance, if a man registered his child as John Russell, and afterwards, altering his mind, baptized it as Robert Peel, it was only following an example which was frequently set him, and why should he have to pay 20*s.* for that change in his opinions, which others paid nothing at all for.

Mr. Estcourt moved, that it be reduced to half-a-crown.

The House divided on the original Clause:—Ayes 73; Noes 55; Majority 18.

The penalty was subsequently fixed at five shillings, and the clause ordered to stand part of the Bill.

The remaining Clauses of the Bill were agreed to, and the House resumed. The Report to be brought up, on a future day.

CUSTOMS' ACTS.] On the Motion of Mr. Poulett Thomson the House resolved into Committee on the Customs' Acts.

Mr. *Poulett Thomson* said it was merely his intention to propose certain resolutions, embracing the alterations in the

Customs-laws he thought advisable. They might be afterwards discussed. It was well known to many hon. Gentlemen opposite, that the expediency of reducing the duty on the importation of dried fruits was pressed on the Government by the hon. member for London, who made a Motion for the reduction of the duty on currants. He opposed that Motion, because, he thought that the Chancellor of the Exchequer could not spare the sum which the duty on currants brought to the revenue; and because he conceived that it was not desirable to take any measures with respect to any particular article; but that the better course was to deal with the whole class to which that article belonged. He therefore did not think it right to touch the duty on currants without, at the same time, touching the duty on other fruit; but he told his hon. friend that the attention of Government was turned to the subject, and in the present Session, if possible, a reduction of the duty on fruit generally would be proposed. He therefore had considerable pleasure in informing the Committee, that one of the resolutions which it was his intention to propose would declare, that the duty on currants should be reduced to the extent of one-half of its present amount; andpart of that Resolution would embrace a proportionate reduction of the duty on raisins, prunes, and other fruits, belonging to the same class. One of his resolutions would apply to an article for the reduction of the duty on which the noble Lord (Lord Morpeth) the member for Yorkshire, had given notice of a Motion,—he meant olive oil,—which was much used in machinery, and was of the greatest importance to enable the consumer to obtain it at as cheap a rate as possible. The Government could not reduce the duty on that article without acting on the same principle it had laid down with respect to the duty on fruit, and reducing the duty on articles of a similar description. He accordingly proposed to reduce the duties on cocoa-nut oil and palm oil. The Government had been pressed to remove all the duties from these articles; but however much he was disposed in all cases to make the raw material obtainable at as cheap a rate as possible, he was bound to look to the state of the revenue, and he was also bound to consider whether it would be fair to take the duty off those articles entirely without at the same time removing it from other similar articles. But though he did not propose to repeal the duty entirely, by reducing it one-half on those three articles, he was conferring a benefit on the manufacturing interest; and doing every thing which, under the circumstances, could be expected. He had, however, to state, with respect to the reduction of the duty on olive oil, that it would not take effect on that article which was the produce of the Two Sicilies, unless his Majesty in council should otherwise direct. He would state the reasons which had induced him to make this exception. For some time past, negotiations had been carrying on for the purpose of establishing greater freedom of intercourse between this country and the Two Sicilies; but he was sorry to say, that the Government of the latter state was not so well disposed as he had expected, to allow the commodities of this country to enter his dominions on paying moderate duties. During the pending negotiations, therefore, it was not thought advisable to reduce the duty on articles which were the produce of that state. For though he was prepared to contend, as he ever had done, that we ought to look solely to the interests of our own consumers (let other countries adopt what measures they pleased), still he thought that, under the peculiar circumstances which he had described, this country ought to retain the power of withholding from the produce of the Two Sicilies those advantages which she conceded to the produce of other countries until she obtained from the Government what she had a right to expect. In the resolutions there would be included some minor articles, not involving any very material amount of duty, the produce of the West Indies. The reduction of those duties, in order to encourage the produce of the West Indies had been much pressed upon him, but, in consequence of the reductions which it had been his good fortune to carry into effect since he joined the Government very little remained to be done on this head; at the same time there were one or two articles of minor importance, such as plantains, liqueurs, pimento, &c., the reduction of the duty on which would, by increasing the sale, give employment to the population in the West Indies. It might appear that the proposed reductions of duty were trifling; but he was bound to consider what amount of revenue his noble friend, the Chancellor of the Exchequer could spare. By the reduction of the duty on fruits, and on currants especially, there would be an apparent sacrifice of revenue to the amount of 150,000*l.*; and he would not have Gentlemen suppose, because some of the articles, the duty on which he proposed to repeal might appear of trifling importance, or because some of their names even might be unknown to many hon. Members, that therefore, the reduction would not be of any benefit. He could refer to many articles with respect to which scarcely any loss had been occasioned to the revenue, notwithstanding that the duty on them had been reduced from an amount almost prohibitory. The traffic in some of them, which had been very limited before the reduction of the duty, had since become exceedingly large, to the advantage of the shipping and commerce of this country. He would instance two or three articles, the duties on which were, at his suggestion, reduced in 1831 and 1832, in confirmation of this observation. In 1831, he was, to use a vulgar expression, a good deal quizzed for submitting to the House a long list of articles, a great number of which were only known to most Members of that House as medicinal drugs, though they were of great importance in different manufactures. He was sneeringly asked what signified it whether senna was a halfpenny a-pound cheaper or not? Now, he would show the House that, by the reduction of the duty on many of those articles, the trade of the country had been increased, while, at the same time, the manufactures in which they were used were carried on at a cheaper rate, without any sacrifice of revenue. Boraic acid was one of the articles, the duty on which was reduced in 1832. The quantity imported in 1831, amounted to 300,000lb. The duty was reduced from 4*d.* per lb. down to 4*s.* per cwt.; and the consumption had increased in two years to 775,000lb., while the loss incurred by the revenue was trifling. Zaffir was likewise an article greatly used in manufactures, but up to 1832, its importation had been checked by a duty of 1*d.* per lb. At that period, the duty was reduced to 1*s.* per cwt., and the consumption had increased from 266,000lb. to 329,000lb. Similar remarks might be extended to the articles of quicksilver, bitter almonds, and cocoa, in all of which an increase in the amount of importation had taken place, after the reduction of the duty. The amount received by the revenue on account of the duty collected on all the various articles previous to the reduction was 63,000*l.*; after the reduction, 33,000*l.*, making a loss of not more than forty-five per cent., while the reduction of the duty on each article varied from 5-6ths to 7-8ths, and in some instances, to 15-16ths. He stated these facts in order to deter gentlemen from sneering when they saw such articles as dried pears and apples in the list which it would presently be his duty to place in the hands of the chairman. His resolutions would chiefly apply to the reduction of duty; but there was one duty which it was his intention entirely to remit, and that was the duty on the exportation of coal. The hon. member for Bridport shook his head at this statement; but he confessed that he did not share the hon. Member's apprehensions, that after a period of 1,400 years, the stock of coal in the country would be exhausted. He believed, that the remitting of the duty would afford very considerable benefit to the shipowners of this country; for it was notorious, that a great proportion of the coal which went abroad was carried in British ships, and it was not his intention to remove the discriminating duties on foreign ships with respect to this article. It had been thought that, by placing a less duty on small coal than on round coal, its exportation would increase, and that the necessity for burning it away on the ground would cease. That object had not been attained, for the exportation had not, in fact, increased. In 1830, the amount exported was 240,000 tons, and at present it was 235,000 tons. It was not to be expected, therefore, as long as the duty continued, that this coal would be exported. Besides, as other commodities were permitted to be exported at one-half per cent., it would not have been fair to refuse to the owners of this particular commodity permission to export it on the same terms. There was another article included in the schedule to which he trusted no objection would be made—he alluded to books printed abroad. The present duty on the importation of foreign books was 5*l.* per cwt. It was impossible to take off that duty entirely, so long as there existed in this country an excise on paper; but he proposed to reduce the duty, taking precautions at the same time for the protection of copyright, to 2*l.* 10*s.* per cwt. This reduction would, he thought, afford very sensible relief to those who imported books into this country; but he wished it to be understood, that books, the first edition of which appeared in this country within fifteen or twenty years ago, would not be allowed to be imported. The first article in the schedule was animal oil, the duty on which he proposed to reduce to 1*s.* 3*d.* per cwt. The duty on palm oil and cocoa nut oil he proposed to reduce from 2*s.* 6*d.* to 1*s.* 3*d.* The duty on these oils amounted, in 1833, to 27,000*l.*, and consequently the loss by the reduction would equal 13,500*l.* He proposed to reduce the duty on olive oil from eight guineas per tun to four guineas. It was not, however, his intention to go through the whole list of articles, but there was one alteration for which he trusted he should receive the sanction of the House at the proper time; he alluded to the power which it was proposed to give to inland towns to place goods in bond. The revenue would be benefitted by the payments which would be made by those towns which chose to take advantage of this regulation, and care would, of course, be taken to guard against smuggling. The right hon. Gentleman concluded by moving the following resolutions:

1.—That instead of the Duties on Customs now payable upon the importation of the following articles, the several Duties herein set forth in respect of the same respectively, shall be made payable; that is to say,—

Apples—dried, the bushel - -	0	2	0
Books—being of editions printed in or since the year 1801, bound or unbound, the cwt. - -	2	10	0
Currants—the cwt. - -	1	2	0
Figs—the cwt. - - -	0	15	0
Grapes—for every 100*l.* of the value - - - -	5	0	0
Oil—from and after the 10th Oct. 1834, namely:—			
Animal Oil—the cwt. -	0	2	6
Cocoa-nut Oil—the cwt. -	0	1	3
Olive Oil—the tun - -	4	4	0
——— the produce of, or imported from any part of the dominions of the King of the Two Sicilies, the tun - -	8	8	0
.... imported in a ship belonging to any of the subjects of the King of the Two Sicilies, the tun -	10	10	0
Note.—For the power given to his Majesty in Council to reduce these duties on Olive Oil, the produce of, or imported from, the dominions of the King of the Two Sicilies, see the body of the Act.			
Palm Oil—the cwt. -	0	1	3
Pears—dried, the bushel - -	0	2	0
Prunes—the cwt. - -	0	7	0
Raisins—the cwt. - - -	0	15	0
the produce of, and imported from, any British possession, the cwt. - -	0	7	6
Seal Skins—of British taking, and imported from the Fishery, or from a British possession, the dozen skins - -	0	1	0
Liqueurs—the produce of, and imported from, the British possessions in America, the gallon - -	0	9	0
Palmetto Thatch—the produce of, and imported from the British possessions in America, for every 100*l.* of the value - -	10	0	0
Plantains—dried, the produce of, and imported from the British possessions in America, for every 100*l.* of the value - -	5	0	0

2. That no abatement of the Duties of Customs be made in respect of goods saved at sea, and sold for the payment of salvage.

3. That no Abatement of the Duties of Customs be allowed in respect of any drugs imported from foreign parts on account of any damage received by the same during the voyage.

4. That the exemption from Export Duty in respect of Woollen Manufactures exported to places within the limits of the East India Company's Charter be repealed.

5. That the Duty of Exportation upon coals, culm, and cinders, exported in British ships, be repealed; and that the duty of exportation on all coals, culm, and cinders, exported in foreign ships, be 4*s.* for every ton of the same.

Mr. *Robinson* approved generally of the alterations proposed by the right hon. Gentleman, observing, that the revenue arising from currants would not, after the present year, be so unproductive as might be supposed from the reduction that had been announced. There was one alteration, the reason of which he confessed he could not see—namely, the reduction on fruit, the produce of Spain and Portugal, because the duty on that of our own colonies was reduced. He thought it would be wise for the Government to keep the power of reducing that duty in its own hands, so that it might be used to obtain from those countries a reduction of duties on our commodities. He hoped that when the President of the Board of Trade had time, he would direct his attention to a list which he could lay before him, of at least fifty articles, the aggregate duties on which scarcely amounted to 40,000*l.* a-year.

Mr. *Warburton* also approved of the greater part of the changes which the Government proposed to make. The article of coals, however, was one of the exceptions to his assent. He was borne out by the authority of Mr. Ricardo, in saying, that the removal of an export duty from such an article as coals was most impolitic. In all the manufactures in which that article was used, the effect of the removal would be to put our foreign rivals upon the same footing as ourselves. He regretted to find himself under the necessity of saying, that the change made appeared to have proceeded rather from the influence of some members for northern places, than from any strong conviction that the alteration was based upon a sound principle.

Lord *Althorp* said, the fact was, the producers of coal were in distress and wanted relief. He concurred in the principle laid down by Mr. Ricardo, but the question was, whether the article in question could continue to be exported at all under the existing duty. There was no revenue worth talking of derived from Holland for coals; the effect of the duty was almost altogether to prevent the export.

Mr. Alderman *Thompsou* asked what rate of duty was to be laid on coals carried in foreign ships?

Mr. *P. Thomson* said, the present rate of duty was 6*s.* 8*d.* per ton on round coals, and 4*s.* on small coals carried in foreign ships, while the duty on round coals carried in British ships was 3*s.* 4*d.*, and that on small coals 2*s.* He now proposed that 4*s.* should be the duty on all coals carried in foreign ships, without distinction between the round and small coals.

Lord *Morpeth* thought, that the duty on olive oil should be reduced to 3*l.* 3*s.* or 3*l.* 2*s.* per ton, as recommended by Mr. Macculloch.

Mr. *Grote* regretted, that the duty on barilla was not to be removed; it would soon be no longer imported into this country. The present imports of that article did not amount to half what they were three years ago.

Mr. *George Frederick Young*, in reference to the proposition of the right hon. Gentleman opposite on the subject of permitting inland towns to bond goods, could not help saying, that that was such a change of magnitude and importance that it ought not to be brought forward at that late period of the Session.

Mr. *Brotherton* said, the proposed reduction of duties would be beneficial to the manufacturing interest, and give great satisfaction to the country. The allowing of bonded warehouses in inland towns would be a great advantage to Manchester and other places. He felt some doubt as to the policy of allowing the exportation of coals.

Colonel *Torrens* was sure that the exportation of coals would be injurious to our manufactures.

Sir *Matthew White Ridley* thought there need be no apprehensions entertained with respect to the export of coals; Russia, Prussia, Holland, France, and other parts of the Continent, were now in possession of coals, and we no longer possessed a monopoly.

The Resolutions were agreed to.

MERCHANT SEAMEN'S WIDOWS.] Mr. Lyall moved the Order of the Day for the House going into Committee on this Bill.

Mr. *Robinson* moved, that it be an instruction to the Committee to appropriate a portion of the revenues to be raised under this Act to the support of the Merchant Seamen's Hospital. The revenues would be 20,000*l.* per annum, and he would propose that one-twentieth of that sum be appropriated to the purpose he had stated.

Mr. Hume seconded the proposition, but it was withdrawn; and the Bill went through a Committee.

ADMISSION TO THE UNIVERSITIES.] Mr. *George Wood* moved the Order of the Day for the House to resolve itself into a Committee of the whole House on the Universities' Admission Bill. He wished the Bill to be committed *pro formâ* in order that certain Amendments might be inserted and printed.

Sir *George Murray* said, that before the Bill went into Committee, he was desirous to make a few observations. He was as anxious as any man to remove as much as possible every grievance which pressed upon any class of his Majesty's subjects on the ground of religious distinctions. His whole conduct through life had been marked with this principle —he had voted for the abolition of the Corporation and Test Acts, and had given his assent to the removal of the disqualifications affecting the Roman Catholic subjects of the realm. After his accession to the office of Secretary for the colonies, he had extended the principle of non-exclusion to the Universities of York, in Upper Canada, and of Montreal, admitting thereto every religious sect without any inquiry whatever. With these proofs of his opinions, it could not be denied, that he was a friend to religious liberty. He thought, that the hon. member for South Lancashire, who had brought forward the present measure, had failed to show the practical application of the principle to the object which he had in view; and, without meaning any disrespect to the hon. Member, he must say, that the Bill appeared to him to be unintelligible and contradictory. Such a measure was much too extensive an undertaking for any individual member of the Legislature, and he should rather have wished that his Majesty's Government would have themselves taken up this important subject, and based a measure for the adoption of the House upon the terms of the petitions which had been presented to the other House of Parliament by the Prime Minister, and to this House by a right hon. Gentleman, now Secretary for the Colonies, from certain Members of the University of Cambridge, in favour of the admission of Dissenters into that and the other University. He thought, that the difficulty in the matter arose from the necessity for religious instruction in the University, which course of instruction must necessarily be confined to the established religion of the country. From this circumstance arose the practical difficulty of applying in this instance those liberal principles which he had ever entertained, and was anxious to adopt. As a member of the Church of Scotland, he stood himself in the situation of a Dissenter in this country, and therefore it could not be doubted, that he was desirous that the privileges of the English Universities should be opened to his fellow-countrymen in common with other Dissenters, and he should be glad if degrees could be attained by them as a matter of honour; but he certainly was not willing that Dissenters should obtain a power in the internal government of the Universities, which power, in his judgment, ought to rest with the members of the Established Church. He should also be glad if it were possible that Dissenters and members of the Church of Scotland could be admitted to them for the purposes of education, and at the same time their scruples relieved by a dispensation with the necessity for their attendance in chapel, and upon the college course of religious instruction; but he was at a loss to know how this could be effected consistently with the constitution of the Universities of this country. The subject was one of great difficulty, and if it were to be interfered with, it ought to have been taken up by his Majesty's Government, in the same manner as the equally difficult question of Roman Catholic Emancipation had been taken up by their predecessors in office. If they had adopted that course, and had taken the opinions of such members of the Universities as were in favour, as well as of those who were opposed to the admission of Dissenters, a measure acceptable to all might by modifying those opinions have been framed. If he could bring himself to think, that the present Bill could by possibility be converted in Committee into such a measure, his objections to it would be at once removed. He, however, should not impede the House now going into Committee on it, and he trusted the hon. Gentleman who had introduced it, would see that he (Sir George Murray) could not dispense with this, the first opportunity afforded him, of taking away a supposition that had gone forth, that he wished to obstruct the removal of the disabilities under which, in this respect, the Dissenters laboured. The statement which he had made elsewhere on this subject, had been founded upon the supposition, that the Government contemplated the introduction of a measure of relief to the Dissenters—a supposition which owed its origin to the fact of the presentation of the petitions to which he had adverted by the Prime Minister and the right hon. Secretary for the Colonies.

The *Lord Advocate* said: "I have listened with feelings of pain and regret to the speech of the right hon. member for Perthshire. He has said, that he has considered himself as a Dissenter, as all Presbyterians of the Scotch Church must do in England, although they are members of the Established Church in Scotland, and yet that he voted against the Bill for the admission of Dissenters into the English Universities, for reasons which, although they have been detailed at very considerable length, no person could have expected to hear come from an hon. Member who avows himself to be a Dissenter, and a person most anxious to remove all religious distinctions. Every observation which the hon. Member has made, justifies those Members from Scotland who voted for the second reading of this Bill; while even, if agreed to in their full extent, they make a vote given by a Scotch Presbyterian Member against the second reading of the Bill more difficult to explain. By voting for the second reading, the House does no more than approve of the principles of a Bill. Has the right hon. Member stated, that he disapproves of the principles of the Bill in any respect, or that he did not understand it? All his observations tend to the strongest approbation of the principles of the Bill. He says, he approved of the Cambridge petition. It is not surprising, that those Members who opposed so strongly and so eloquently all the sentiments contained in the Cambridge petition, should vote against the second reading of the Bill; for the principles of this Bill differ in no respect from that petition. The details of the Bill may differ in some respects. That was the strongest reason for voting for the second reading, and for allowing the Bill to go into Committee. All the supporters of the Cambridge petition will then have an opportunity of proposing such alterations as will make the provisions of the Bill agree with their views of that petition. But the House has been told, that a Bill brought in by his Majesty's Ministers, founded on the principles of the Cambridge petition, would have received the support of the right hon. member for Perthshire. This is carrying regard for his Majesty's Ministers very far indeed. This Bill was introduced in the month of April by my hon. friend, the member for South Lancashire. It could not be brought forward by any Member more entitled to the respect and regard of the House, whether holding office or not. So far from being opposed by his Majesty's Ministers, it is supported by them, and the second reading was carried by a large majority. No person can accuse the right hon. member for Perthshire of undue deference to Ministers, yet it would surely amount to that to vote against a Bill the principle of which Dissenters were bound to support, because Ministers did not introduce it. According to that, a measure, however good, and however much it accords with the feelings of Members of this House, is to receive a direct negative because it is not brought forward by Ministers." He (the Lord Advocate) was unwilling to detain the House at that hour, and he trusted that the Bill when reprinted, would have undergone such alterations as would remove even the more minute objections which had been urged against it, which it was not unreasonable to expect might come from zealous members of the Church of England. Their support it was most important to obtain. Their opposition might arise from the most honourable and conscientious views, deeply imprinted upon their minds by early education; but he trusted there would not be many Representatives from Scotland who regarded themselves as Dissenters here, as the right hon. member for Perthshire said he did, who would oppose the Bill on such grounds.

The House resolved itself into Committee on the Bill.

Mr. George W. Wood moved the insertion of certain Amendments *pro formâ*.

The *Speaker* said, that before the Amendments which had just been proposed by the hon. member for South Lancashire were put to the Committee, he was sure the Committee (feeling that he as yet had had no opportunity afforded him for expressing the sentiments he entertained with respect to this Bill, and being also aware, that this would be his only opportunity) would favour him, even at the late hour which had now arrived, with its attention on the present occasion. The observations which he wished to make had no reference to the Amendments proposed by the hon. Member, and upon them he would give the Committee no trouble. His objections, he fairly confessed, were not to the Amendments merely, but to the principle of the Bill. That principle could not be carried into effect without leaving his objections unaltered and unalterable. He believed, the principle would be destructive to the two Universities as they now stood, and would be useless for any good purpose to the Dissenters themselves. He could not but feel convinced, that if this Bill was rendered efficient for the purpose it had in view, it would destroy the whole system at present prevailing in the two Universities, and would introduce either utter religious indifference, or constant acrimonious religious strife. With those feelings pervading his mind, the Committee would not be surprised when he stated that he entertained an unconquerable objection to this Bill. It was but due to the University he had the honour to represent and to himself, that he should avail himself of this the only opportunity afforded him of giving expression to those feelings; and though, perhaps, he might in the judgment of many hon. Members, be thought to be committing an act of imprudence by the course he had pursued, yet he thought it more manly to declare on the present occasion the sentiments he entertained. He was relieved from the necessity of going further into the subject by being able to express his full and entire concurrence in the sentiments which, on a former occasion, had been conveyed to the House in the speech of his right hon. colleague, and in the speeches of the other hon. Members who represented the other University. Having said thus much, he had to thank the Committee for the attention with which they had listened to him, and to repeat that he felt he should not have done his duty either to the University or to himself, if even at this late hour (four o'clock) he had not endeavoured to impress upon the House what was his conscientious opinion of the measure now under its consideration.

The Amendments were agreed to, and the Bill went through Committee *pro formâ.*

The House resumed.

Observance of the Sabbath.] Mr. Poulter moved, that the Report on the Lord's-day Observance (No. 2.) Bill be brought up.

Mr. *Ruthven* begged to move as an Amendment, that the House do adjourn.

Mr. *Philip Howard* should support the Motion of the hon. member for Shaftesbury (Mr. Poulter) and trusted that the hon. member for Dublin (Mr. Ruthven) would not persevere in his intention of retarding the progress of the Bill, by moving the adjournment of the House. The Bill under consideration was not open to the objections of those formerly introduced. It did not trench on the liberty of the subject; whilst it was required as an homage to public opinion, and as a tribute to the zeal and Christian-like feeling of a large body of the Community attested by the vast numbers and respectability of petitions which daily covered the Table of that House. The reasons he had had the honour to state, the anxiety he felt to set the question at rest, to satisfy and promote the exercise of well-regulated piety, induced him to give his warm support to this Bill. He (Mr. Howard) could assure those hon. Members who were opposed to all further legislation affecting the observance of the Lord's Day, that without a reasonable concession to the strongly and generally expressed wishes of a large class of the community, they would find it difficult to oppose other and less temperate measures, which, failing this, would be without ceasing, pressed for adoption, on the House.

The House divided on the original Motion:—Ayes 30; Noes 7; Majority 23.

List of the Ayes.

Baines, E.
Baring, F.
Brotherton, J.
Cayley, Sir G.
Cayley, E.
Ewing, J.
Fenton, J.
Forster, C. S.
Gisborne, T.
Gladstone, W. E.
Harland, R. H.
Hughes, W. H.
Inglis, Sir R.
Langdale, Hon. E.
Littleton, Rt. Hon. E.
Macleod, R.
Marryatt, J.
Murray, Rt. Hon. J.
Pease, J.
Peter, W.
Philips, M.
Sheil, R. L.
Sandon, Lord
Shaw, F.
Stewart, R.
Sullivan, R.
Talbot, J.
Thomson, Rt. Hn. P.
Wason, R.
Wallace, R.

TELLERS.

Poulter, J.
Howard, P.

List of the Noes.

Blake, M. J.
O'Dwyer, A. C.
O'Connor, F.
O'Reilly, W.
Ruthven, E.
Vigors, N. A.
Warburton, H.

TELLERS.

Aglionby, H.
Ruthven, E. S.

The Report was brought up. At half-past four the House was counted out.

HOUSE OF LORDS,

Thursday, July 3, 1834.

MINUTES.] Bills. [The House met at ten o'clock, to receive further Evidence in support of the Warwick Disfranchisement Bill. Evidence was tendered to prove, that certain Electors of Warwick had Conspired to put the Names of certain Parties fraudulently on the Register; but Lord Wynford being of opinion, that such Evidence was inadmissible, adjourned the House till four o'clock, to obtain the opinion of the Lord Chancellor on that point. At four o'clock, the Lord Chancellor and Lord Denman both declared this Evidence to be inapplicable to the Case. The Counsel tendered Evidence to prove, that certain Electors had got up Riots in the Borough to destroy the freedom of Election; but this Evidence was also held to be inadmissible. The further consideration of this Bill was adjourned.]—Read a second time:—Warrants of Distress (Ireland).

Petitions presented. By the Dukes of Wellington, Beaufort, and Rutland, Earls Howe, and Burlington, Lords Farnham, Kenyon, and Rolle, and the Bishop of Carlisle, from a great Number of Places,—for Protection to the Established Church of England and Ireland, against the Claims of the Dissenters, and against the Separation of Church and State.—By the Duke of Buccleugh, from Leith, Edinburgh, London, &c., in favour of the London and Westminster Bank Bill.—By Lord Teynham, from Maple Bridge, for Relief to the Dissenters.—By the Earl of Burlington, from Keighley, against part of the Poor-Law Amendment Bill; from Chesterfield, against the Metropolitan Registry of Deeds Bill.—By the Marquess of Westmeath, from several Places, for Protection to the Protestant Church in Ireland.—By a Noble Lord, from Coventry, against the Importation of Foreign Silks.—By the same, from Proprietors of Coal Mines in Warwickshire, to exempt such Property from the payment of Poor Rates; and by the Lord Chancellor, from the Inhabitants of Kingston-upon-Hull, for the Repeal of the Stamp-Duties on Newspapers.

HOUSE OF COMMONS,

Thursday, July 3, 1834.

MINUTES.] Bill. Read a second time:—Roman Catholic Marriages.

Petitions presented. By Mr. Briggs, from Halifax, for the Repeal of the Duty on Olive Oil.—By Mr. Hughes Hughes, from Proprietors of Stage Coaches, against the Hackney and Stage Coaches Bill; from Commissioners of the Court of Requests, against the Imprisonment for Debt Bill.—By the Earl of Grosvenor, from Nantwich, for the Repeal of the Sale of Beer Act.—By Mr. Hall Dare, from two Places, against the Claims of the Dissenters.—By the Earl of Grosvenor, from four Places, for Protection to the Established Church.

PUNISHMENT OF DEATH.] Upon the Motion of Mr. Lennard, the House resolved itself into a Committee upon the Punishment of Death Bill.

Upon the second Clause being read,

Lord *Howick* proposed an Amendment, to the effect that the punishment of death should not be abolished where any violence was committed, or bodily harm inflicted.

Mr. *Lennard* objected to the Amendment, as it would in effect destroy the whole value and efficacy of the Bill. If it were recollected that, for offences which had lately ceased to be capital, there no longer existed the same reluctance to prosecute as formerly, it must be admitted that the slight increase of two per cent which had taken place in the commitments was a virtual diminution; and this was the more worthy of notice, because, in the other two classes, the commitments had increased in a much greater ratio. The capital commitments in the same period had undergone an increase of forty-four per cent! and this, too, notwithstanding undiminished rigour in the execution of the law; for the number who suffered death increased from 110 in the first period, to 126 in the second period, for those offences which are still punished with death. He, therefore, felt bound to resist the Amendment.

Mr. *Hardy* thought that, for the purpose of preserving uniformity with the other Acts of Parliament, it was necessary that the Amendment should be adopted.

Lord *Howick* said, the object he had in view in proposing the Amendment to the House was to give persons who should be guilty of robbery an inducement to abstain from the further commission of crime. The existing law was quite at variance with the practice that had prevailed for many years past, and his object in proposing the Amendment was, to reconcile the law to the prevailing practice as far as it was practicable.

Mr. *Roebuck* said, that the Amendment, far from effecting the object the noble Lord had in view, held out an inducement to the robber to commit murder. If in the scuffle which naturally ensued when a robbery was committed the person robbed should receive any bodily harm from the thief, the latter, knowing himself to be guilty of an equal crime with the murderer, would have a strong inducement to commit the greater crime to facilitate his escape or prevent detection.

Mr. *O'Connell* said, the Criminal-Law of England was a bloody and barbarous code, and very badly administered. It was lamentable to see a country excelling every other in science and art so backward in the progress toward civilization in her criminal laws. What did the noble Lord mean by bodily harm? A mere bruise or discolouring of the skin was included in the words of the Amendment, and this was to be as great a crime as murder in the eye of the law. What else could be meant by "bodily harm?" They knew that "grievous bodily harm" was already a capital offence; every case of cutting was provided for by the bloody Act of Lord Ellenborough. This reminded him of three deaths which had recently taken place from boxing-matches. He contended that all the persons engaged in these barbarous practices were guilty of murder. He would have all those who backed the pugilists, as well as the lookers on, and those who encouraged such acts of inhumanity, punished as murderers. It was easy to show they were guilty of murder. The law was clear, that if any persons went out to fight with weapons likely to cause death, and death should ensue, they were guilty of murder. It could easily be shown that the weapons used at a prize-fight did produce death, for death had taken place in several instances. There could, therefore, be no doubt they were murderers, and should be punished as such. He thought if a batch of the noble Lords, Magistrates, and gentry who were present, and gave encouragement to such inhuman scenes, were sent to Botany Bay, it would have a tendency to put an end to them. He should oppose the Amendment of the noble Lord.

Amendment withdrawn, and Clause agreed to.

The remaining Clauses were agreed to, with verbal amendments, and the House resumed.

COUNSEL FOR PRISONERS.] On the motion of Mr. Ewart, the House went into Committee on the Prisoners' Counsel Bill.

The first and second Clauses were agreed to.

On the third Clause being put, which enacts, that in all cases where prisoners shall be unable to employ Counsel by reason of poverty, Counsel shall be assigned to them by the Court,

Lord *Howick* expressed a hope, that the Clause would be withdrawn. He knew that a strong feeling was entertained against it.

Mr. *Roebuck* objected to the clause being withdrawn, as it involved one of the most important principles of the Bill.

Mr. *Aglionby* admitted, that the clause was suggested by the best feelings of humanity, but was afraid that to carry it into effect would be impracticable. If Counsel were assigned to every prisoner for every offence, however trivial, that came before the Court, there were so many young Barristers who would take that opportunity to make long speeches to the Court, that the sittings would extend from one quarter sessions to the other, and no business would be got through. Legislation on this subject was unnecessary, as the Judge already possessed the power of assigning Counsel to a prisoner, and he never knew of an instance of any Counsel refusing to perform the duty assigned to him by the Judge. The present clause was therefore superfluous, and he hoped the hon. Member would consent to withdraw it.

Mr. *O'Connell* opposed the clause, because he was unwiling to increase the patronage of the Bench, over that possessed by the Bar. He knew in theory this clause diminished the patronage of the Judge, but it did not in practice. The Judge would still have the power to appoint the Counsel, and he would tell the House how that power had been exercised in Ireland. He had known a Judge go the same circuit twelve successive assizes, merely because he had sons or brothers, or nephews, who practised on that circuit. He did not allude to a Judge whose conduct had come under the consideration of that House. The clause would increase this evil, and therefore he should vote against it.

Mr. *Hardy* was of opinion the clause as it stood would be much better out of the Bill.

Mr. *Roebuck* said, the injustice that would result from withdrawing the clause was this—that the man who had a guinea in his pocket would be able to avail himself of the benefit of Counsel, while the poor man without a farthing in the world might be condemned, from his inability to procure Counsel.

The Committee divided on the Clause. Ayes 33; Noes 25—Majority, 8.

The Clause was agreed to, as was Clause 4.

Mr. *O'Dwyer* said, it was now the proper time to propose the insertion of the clause of which he had given notice—"That from and after the passing of this Act, every prisoner to be tried shall be entitled to a fair copy of the depositions sworn against him on which the indictment has been grounded, on payment of a fee to the Clerk of the Peace of the district in which the trial may take place of 6*d*. a-folio."

Mr. *Benett* objected to the clause.

depositions were taken in the presence of the prisoner by the present law, and therefore such a provision was unnecessary.

Mr. *O'Connell* was glad to hear that such was the case in England. He could assure the House the practice was diametrically opposite in Ireland, for there the prisoner knew nothing of the charge to be brought against him but the short abstract contained in the commitment, and it not unfrequently happened, that depositions taken on a subsequent charge were exhibited against him.

Mr. O'Dwyer withdrew the Clause.

The House resumed.

SUPPRESSION OF DISTURBANCES (IRELAND).] Mr. *O'Connell:* I wish to know from the right hon. Gentleman, whether the statement in the newspapers, that the renewal of the Irish Coercion Bill in its present shape, had been advised and called for by the Irish Government, was correct? I ask the right hon. Secretary whether the fact was so, and if the statement be true?

Mr. *Littleton:* It is not usual to make such an inquiry with respect to a Bill that is not before the House, but I have no hesitation or difficulty in telling the hon. and learned Gentleman, that the introduction of the Bill has the entire sanction of the Irish Government.

Mr. *O'Connell:* That is no answer to my question. The question which I asked was, whether the Bill, in its present shape, was advised and called for by the Irish Government?

Mr. *Littleton:* I have no other answer to give than that which I have already offered, especially with respect to a measure not now before the House.

Mr. *O'Connell:* That is a very safe course for the right hon. Gentleman to pursue. I now ask him if it is his intention to bring the Bill forward in this House?

Mr. *Littleton:* That is a question that cannot yet arise. The Bill is now before the House of Lords. When the proper time arrives, it will be for the Government to decide as to its introduction here. I can tell the hon. Gentleman, however, that whoever may bring the Bill in, I shall vote for it.

Mr. *O'Connell:* Then I have been exceedingly deceived by the right hon. Gentleman.

Mr. *Littleton:* The observation which the hon. Gentleman has now made, renders it absolutely incumbent on me to trespass, for a short time on the patience and attention of the House. I do it with the utmost confidence that, although called on thus suddenly, I shall experience the indulgence of the House: for whatever may be the occasional prevalence of party feeling, and however hon. Members may be carried away by it in some instances, I am confident that there exists a permanent sense of honour and gentlemanly feeling which must make the House a safe tribunal for any man, no matter whether connected with party or not, to address it in his own vindication, and that, in all such cases, an individual will obtain a fair and candid hearing. I need hardly tell the House what are the circumstances of the case which the hon. Gentleman alludes to. He refers to the recent introduction of the Irish Coercion Bill. I have "a plain unvarnished tale" to deliver, and I have no doubt that when I have explained it, the result, as regards myself, will be, that I shall be accused of having acted with gross indiscretion; what the result may be as regards other parties it is not for me, but, after hearing the particulars, it will be for the House to judge. The House is aware, that frequent applications were made, and numerous attempts resorted to, by means of questions put by individuals, with a view to elicit a premature declaration of the intentions of the Government relative to the renewal of the Coercion Bill. That course not being found to answer here, means were taken elsewhere to draw forth a premature declaration on the subject. I may now state, that the intention of Government then was, to recommend a renewal of the Coercion Bill with certain limitations; and I may also state, that up to within a short time of the introduction of the measure, Government, thinking it prudent to avail themselves of as long a retrospection as they could, did not deem it expedient to determine the precise extent to which the provisions of the Bill should go. I saw, from the earliest announcement of the intention to renew the measure, that the hon. Gentleman was exceedingly ill-disposed towards it. I perceived that he was inclined to a violent course of opposition in reference to a matter on which he seemed to feel great excitement. I need not say, that I felt it to be a matter of interest to the Government, of importance to the country, and, I may add, of kindness to the hon. Gentleman himself, to caution him as to the course he seemed about to take—to beg him not to act prematurely or rashly, and while the extent of the measure remained undecided, to request the hon. Gentleman not to indulge his feelings in relation to it. Therefore it was that, after consulting friends on whose judgment I relied, I did proceed in the matter, and under an authority which I considered sufficient, I was led to seek an opportunity of communicating with the hon. Gentleman through the instrumentality of a common friend. Some hours after I had made this communication, the hon. Gentleman came to the Irish Secretary's office, where I then was. I told him, that the communication I had to make, was one which I thought he would hear with pleasure, but that it must be considered and received by him as entirely secret and confidential. I imposed on the hon. Gentleman the seal of secrecy with respect to my communication—an injunction which he received and acknowledged. If the hon. Gentleman did not, he had better contradict me.

Mr. *O'Connell:* I shall answer the right hon. Gentleman's statement. I shall have so much to explain, if not to contradict, that it will be better to take that course.

Mr. *Littleton:* Under the injunction which I have mentioned, I proceeded to communicate with the hon. Gentleman. I expressed my regret at the letter which he had written to the electors of Wexford, recommending the adoption of violent conduct. I knew how inconvenient it was to the Government that the hon. Gentleman should persist in the course he was pursuing. I knew the importance of his opinion from the great influence he possessed in Ireland, and I saw the advantage of dissuading the hon. Gentleman from so violently opposing a measure, the extent of which, was as yet undetermined. I hope I shall be thought to be, in some degree, justified in the course I adopted by those considerations. I told the hon. Gentleman, he having frequently applied to me to know whether the Government would recommend the Coercion Bill to be renewed, that, although the renewal of the measure was intended under certain limitations, yet, that those limitations were not then decided upon, and I mentioned a probable day by which time I thought they would be determined. I am bound to add, in justification of my own character, which is more important to me than any other consideration, that I told the hon. Gentleman I had the strongest feeling of aversion to the renewal of that part of the Coercion Bill which prohibited public meetings, and I further told him, that I did not think it likely that portion of the measure would be renewed. In reference to this, I used a strong expression, but the same consideration which rendered it improper for the hon. Gentleman to divulge the communication, renders it equally improper for me to mention all the particulars of the conversation. The House must perceive the painful situation in which I am placed. It will make allowance for my embarrassment and understand the delicacy of my position. Much that may have passed in my communication with the hon. Gentleman I am prevented from stating, by the duties of the office which I hold. I expressed my opinion to the hon. Gentleman as to some parts of the Bill which I thought would not be renewed; and I told him, that he should receive from me the earliest intimation as to what was intended to be done. I heard in a few days after this interview, of rumours which were in circulation about the House and elsewhere, and which rendered it impossible for me not to believe, that the learned Gentleman had divulged my communication. I did nothing in consequence of this, but I came to a determination not to hold any further communication with the hon. Gentleman. However, when I found that decision come to contrary to what I had supposed might have been the case, I consulted with the same individual as before, and told him that, notwithstanding what had occurred, I thought it incumbent on me, in point of honour, to communicate the state of things to the hon. Gentleman. I knew all the inconvenient consequences that were likely to arise from such a communication; I knew that the Irish Tithe Bill stood for discussion on that very evening (Friday), and how important it would be to Government to have the advantage of the hon. Gentleman's co-operation, which I thought we should have had under ordinary circumstances. Still, I felt bound in honour, to inform the hon. Gentleman, of what had occurred; and I requested a common friend to wait on him for the purpose of communicating it. Not satisfied with that, I went across the House on the same evening, and asked the hon. Gentleman if he had seen the individual whom I had requested to communicate with him? The hon. Gentleman told me that he had. I begged the hon. Gentleman to refrain from disclosing my communication till a public announcement was made on the subject, and he had heard what would be proposed in the other House of Parliament. I own, I think the House will be of opinion, after what I have stated as to the secrecy of the original communication, that this was not asking too much. I admit, that I committed a gross indiscretion in the communication which I made to the hon. Gentleman; but I know not in what manner he will attempt to justify his breach of confidence with respect to that communication; nor is it indeed a matter of any importance to me how the hon. Gentleman may seek to excuse his conduct. I am not conscious of any inaccuracy in my statement of what occurred. I have only to add, that I was actuated in the course which I adopted by a desire to fulfil a public duty, and by kindness to the hon. Gentleman himself. I wished to prevent him from pursuing a course which he might be sorry for, which the Government might have cause to regret, and which might prove injurious to the country. My hopes and wishes have been cruelly disappointed, and the hon. Gentleman has convinced me by his conduct, that henceforth with him it will be unsafe for me to communicate on public matters, except across the Table.

Mr. *O'Connell:* The right hon. Gentleman is perfectly safe in saying that, for it will be utterly impossible for me, after what has taken place, to place confidence in anything but his public statements. The right hon. Gentleman has cautiously abstained from dates in his statement, and he has been equally prudent in suppressing a great deal of what occurred between us at the interview of which he speaks. I shall follow the right hon. Gentleman's example in some degree, because I do not wish to involve other parties in the discussion, especially where it is unnecessary to do so. The right hon. Gentleman began by saying, that many premature questions had been put on the subject of the renewal of the Coercion Bill. Does the right hon. Gentleman mean that I, or any individuals connected with me, asked those questions? The contrary was the fact. We never acted thus; but several gentlemen of another way of thinking on political subjects did, before the Cambridge and Edinburgh elections, press for an answer on this head; and they urged, that Ministers ought to make up and know their own mind. I asked no question on the subject; neither I, nor any one connected with me, put any question till it was announced that Lord Grey had mentioned the matter in the other House of Parliament; so that, if the right hon. Gentleman has made an impression on the House, in reference to premature questions, so far as that point is concerned, it was upon erroneous grounds. I had announced the experiment I was making for the total cessation of agitation in Ireland; and with a view to press no longer during the present Session the question of Repeal of the Union. It is true, there was an election coming on for the county of Wexford, and in reference to it I published a letter, and took a part not consulting the right hon. Gentleman on the subject, and having no reason to consult him. The right hon. Gentleman talks of being actuated by motives of kindness towards me. What kindness can the right hon. Gentleman do me? None in the world. I did not go to the right hon. Gentleman's office of my own accord to seek kindness or patronage,—to ask for places in the police for my friends, or for anything else. Some gentlemen were reminded the other night, of places in the police obtained or applied for; but no such application could be laid to my charge. I asked the right hon. Gentleman for no favour. I did not seek him. I published a letter to the electors of Wexford, and grounded it on the determination of Government to renew the Coercion Bill. I had, at the time, in the Press, an address to the Reformers of England on the subject of the Coercion Bill. That address I had sent to a newspaper to be published. It was in print; it was on the point of being published. Let the House now mark what occurred. Just at that moment, my letter to the people of Wexford having been already published, my address to the Reformers of England being on the point of publication, while I was sitting as Chairman on the Committee on the Inns of Court, the right hon. Gentleman sent to me a most respectable Gentleman, the hon. member for Kildare, to beg that I would go over to him to the Irish-office, stating, that he had something of great importance to communicate to me. I was sought by him. I never sought, I never would seek him. I had nothing to ask from him, I had nothing to seek from him. He sent for me. He had no right to send for me to go to his office. I did not want him. If he wanted me, he knew where I lived. If he did not know my residence, he could ascertain it in the Vote-office. I went to him at his request. I was aware, that the right hon. Gentleman did not send for me in my private individual capacity, but as a person representing a party in this House, and a party out of this House, a large party in Ireland. The election for the county of Wexford was coming on. The House will bear in mind, that one of the candidates at that election was a Whig candidate—a rare thing in Ireland. I thought it my duty to set up a repeal candidate. Such was the situation in which things were when the right hon. Gentleman sent for me. The conversation that then took place between him and me I certainly never would have repeated, if it had not been that by means of it, he tricked me—I do not say intentionally—he deceived me, and he obtained a decided advantage over me. The conversation which then took place between me and the right hon. Gentleman was, I will admit, of a confidential nature; but that confidence was limited. The understood secrecy was suspended by his practising—I do not say designedly—but by his actually practising a deceit upon me, and by that means obtaining an advantage over me. If such had not been the case, I never would have alluded to this conversation. The first thing that he said to me was, that he had seen my letter to the electors of the county of Wexford, and that he was anxious to speak with me upon a subject of great importance to the country; but that he expected that any communication that took place between us would be secret and confidential. My reply was, that there was no occasion to make such a request,—that whatever occurred should be considered by me secret and confidential. And so I was determined that it should be. That secrecy would never have been broken if I had not been tricked—if I had not been deceived by the right hon. Gentleman. If such had not been the case, the conversation between us would still have remained strictly confidential. The right hon. Gentleman then alluded more than once to a communication which the Marquess Wellesley had honoured him with, on a subject of the deepest interest to the country, and he said that he had sent for me as one only of those persons upon whom he could rely with confidence, and to whom he could apply with confidence. I replied, that I was happy to hear him so express himself; and that he would find that confidence not misplaced. I repeat again, that such would have been the case if this conversation had not been made use of afterwards, to obtain an advantage over me. The right hon. Gentleman went on to tell me, that the Irish Government was opposed to the renewal of the Coercion Bill of last year; that those concerned in the Irish Government (meaning, of course, Lord Wellesley and himself,) were opposed to the renewal of that Bill. The House will recollect, that this communication took place after the publication of my letter to the people of Wexford; and let the House mark what use there was made of it. The right hon. Gentleman told me distinctly that the Irish Government, that the Lord Lieutenant of Ireland, and himself, were against the renewal of the Coercion Bill of last year, and that he thought it right, under the circumstances, to make that communication to me. I was going away with the cheerful determination to regulate my conduct, both in the House and out of it, in accordance with the communication that I had just received, when the right hon. Gentleman again repeated to me that the Coercion Bill would not be renewed, but only a short measure for suppressing agrarian disturbances. I told him that no one could be more anxious than I should be to assist the Government in that object, and that he might reckon upon my fullest assistance, and that of the party to which I belonged, for such a purpose. I was going out of the room, when the right hon. Gentleman addressed to me this observation, "that if the Coercion Bill should be brought into that House, it would not be brought in by him." Such was the conversation between me and the right hon. Gentleman. Just let the House see what use has been made of it, and observe what an advantage the right hon. Gentleman has thereby gained over me. In consequence of that conversation I wrote over to the county of

Wexford, and the candidate whom I had started there upon the repeal interest declined the contest. Another Gentleman by no means popular in the county started upon the same interest. He wrote over to me requesting that I would send one of my family to canvass the county with him. I acted upon the right hon. Gentleman's distinct declaration, and I declined interfering, and what was the consequence? The Whig candidate on the first day had a majority of 114 over his opponent; but what has since taken place affords a positive proof that if I had interfered, and if some one connected with me had gone through the country, the majority would have been decidedly on the other side. That election is still going on, and up to the post hour on Monday last the majority of the Whig candidate had been beaten down to eighteen. Was not that a proof that I should have carried that election, if I had not been kept neutral by the delusion—by the deception—practised upon me by the right hon. Gentleman? What right had he to interest himself thus in the election for Wexford? What right had he to make such a statement to me, particularly as related to himself, with a view, as it would now appear, to the carrying of that election? Will he, after perhaps obtaining the return of the Whig candidate for Wexford through such means—will he, I say, be the person to introduce the Coercion Bill into this House—will he do so, after I understood from him, after he distinctly declared to me not more than a fortnight ago, that he would not do any such thing? If I had not been deluded, if I had not been deceived by that statement, I should already have addressed the Reformers of England on the subject. I should have called upon the people of Ireland to present petitions against the Bill, and that address would have been responded to, and at this moment you would have had petitions from them with more than 500,000 of signatures, praying Parliament not to pass such a measure. But the right hon. Gentleman, by the statement he made to me, got a full fortnight's advantage of me. [" *No, no.*"] I say, " Yes, yes." By making that statement he secured an advantage over me, he secured my neutrality in the Wexford election (for I would not be the man to oppose Government if I thought they would do us justice), and he secured an advantage in the debate on the Tithe Bill. By so deluding me, he prevented me from addressing, as I intended, the Reformers of England, and the Reformers of Scotland too, who I hope are not dead to the cause of liberty. Having so deceived me, what right has the right hon. Gentleman now to attack me for a breach of confidence? I repeat that he deceived me, and that through me he deceived many others. I communicated to a great many Irish Members that there would be no necessity for a call of the House; that no such Bill as the Coercion Bill of last year would be introduced; but that the measure which would be brought forward would be one that every man could support; that the discussions upon it would, therefore, be short, and that we might expect that the Session would soon be at an end. We have been all deceived by the right hon. Gentleman. The right hon. Gentleman's version of our conversation, it will be seen, pretty nearly coincides with mine; but there is one important fact which he has omitted in his statement. The right hon. Gentleman now says, that he will support the Bill here; but will he deny that he stated to me, that whatever Member of the Government brought the Bill into this House, he would not be the man? After the conduct of the right hon. Gentleman, no man has a right to call me any more from this place to make to me a communication such as that made by the right hon. Gentleman, for the purpose of deluding and deceiving me, and then to adopt the very line of conduct that he stated so shortly since he would not. I make the right hon. Gentleman, indeed, a present of his conduct in this instance. He may well be proud of it. I know that he is surrounded by his friends. I know that he is strong in their support and in the support of his colleagues in a Government that can easily command the majority of this House. But how will the public view his conduct—what justification can he make to them for what he has done? After the statement which the right hon. Gentleman made to me, and which I have detailed to the House, could I for a moment doubt as to the particular line of conduct which it was the intention of the Government to adopt? He, in fact, gave me to understand that the Government had adopted it; for though he did not say that they had—that the majority of his colleagues had—determined upon pursuing the course he then indicated, what other interpretation could he reasonably have expected would be put upon his words? He is not so young as not to understand that a Minister holding such a situation as he did, and making such a communication, must be understood as expressing the opinion of the Government to which he belonged. I repeat again and again, that the right hon. Gentleman has deceived me. He has gained one advantage already, and a great one, by his deception; but it would be giving him a great deal too much to give him any longer the advantage of the seal of secrecy. The use that he has made of that communication, the advantage that he has reaped from it, render it necessary that the seal of secrecy should be at length torn away. We are not much at variance, it will be seen, in our respective statements of the conversation in question. I leave the House and the public to form its judgment upon such a species of Government, that is so afraid of acting directly and straightforward that it must descend to means like those—that it must have recourse to such unworthy artifices, and that, finally, it acts directly contrary to, and in the teeth of, its own declarations. I wish the right hon. Gentleman joy upon the success of his deception. Of this he may be certain, that let him send when he will, he will never again succeed in deceiving me.

Mr. *Littleton:* I do not think it necessary to say much in reply to what has fallen from the hon. and learned Gentleman, and indeed I can add but little to what I have already stated to the House. In making the statement that he has just made, of course the hon. and learned Gentleman has availed himself of the opportunity to endeavour to make the House believe that I took the step in question for the purpose of deceiving him. Indeed, he has accused me of a settled determination to deceive him. I am sure that there is not another man in the House who will not feel that I am utterly incapable of having acted from such motives. The whole course and tenour of the speech of the hon. and learned Gentleman have been to justify the violation of confidence on his part, by making the House believe that I tricked him in order to vindicate his own wilful breach of confidence. What justification, after all, has the hon. and learned Gentleman exhibited for communicating information given to him under the seal of secrecy? I ask him whether he should not, in the first instance, before he had torn off that seal, and communicated this information to the public, in consequence, as he alleges, of what took place elsewhere—I ask him whether, before he had done so, he should not have communicated with me on the subject, and seen whether reasons could not be given for the decision to which Government had come? If he had done so, I think that I should have convinced even him of the necessity of adopting such a course; at all events I am sure that the reasons which I could state in support of that decision would be amply sufficient to justify my vote in the eyes of the House and of the public. I admit to the full extent all that the hon. and learned Member has stated as to what occurred in our conversation, with, perhaps, a slight variation as to the expressions used. With that exception I do not deny it. The time that I think it happened was last Monday week. I cannot be quite accurate as to the date, as I never dreamt at the time that this matter would become the subject of public discussion. It was true, that at that time it was not determined upon by the Government to introduce the Coercion Bill, as it has been since brought in; but since that time the question had been unanimously decided upon by the Government, it having received further reasons in the interval to satisfy it that that measure should be renewed. The moment that that determination was come to by the Government, I lost not an instant in seeking to find the hon. and learned Gentleman, in order to communicate to him the change that had taken place in the opinion of the Government. I sent my hon. friend, the member for Bridport, to the hon. and learned Gentleman for that purpose. [Mr. *O'Connell:* On Friday last.] On Thursday last I sent my hon. friend, the member for Bridport, to the hon. and learned Gentleman, to make that communication to him; and so anxious was I that we should not, through any misapprehension on the part of the hon. and learned Gentleman, reap the benefit of a smooth and conciliatory speech from him on the Tithe Bill, which stood for discussion on Friday last, that early in the evening I went over to him, and stated the fact myself to him. I state these facts before the House, and leave the House to form its judgment on them.

Mr. *O'Connell:* But there is one fact not before the House. I wanted the right hon. Gentleman on Friday last, when this conversation occurred, to let me have the Report of 1832, with respect to the disturbances in Ireland—the Report drawn up by Sir Henry Parnell—printed. He said, emphatically, "There is no occasion for it to be printed, you will be satisfied of that by the announcement made by Lord Grey in the House of Lords to-night." I said, in reply, "There is only one course for you to take—to resign, for, after the manner in which you have acted, you will be otherwise guilty of a deception on me." His reply was, "Say nothing of that to-day."

Mr. *Littleton:* I beg the attention of the House for a moment. The fact is not as stated by the hon. and learned Gentleman. The hon. and learned Gentleman says, that when he mentioned to me his intention of moving for the Report of 1832, I said there was no occasion for it, and that, in reply to an observation from him as to my resigning, I replied, "Wait until to-morrow." I declare, upon my honour, as a Gentleman, that I said no such thing.

Mr. *O'Connell:* On my honour, as a Gentleman, you did.

Mr. *Littleton:* I declare solemnly, before the House, and upon my honour, as a Gentleman, that I never did.

Mr. *O'Connell:* Does the right hon. Gentleman mean to deny that he spoke of resigning?

Mr. *Littleton:* The hon. and learned Gentleman is mistaken. I never said any such thing. I deny solemnly, on the honour of a Gentleman, that I made any statement of the kind.

Mr. *O'Connell:* Then, why did I not make my Motion for the printing of the Report? I want to know that.

Mr. *Littleton:* I cannot answer that. I do not know anything about it. It is true that the hon. and learned Gentleman declared his intention of moving that the Report be printed, and that he said something of the Bill. I did not in reply say a word about resigning. To the best of my knowledge, my reply was, as nearly as possible, in these words—"I trust that whatever your feelings or opinions on the subject may be, you will not divulge them to-night, but will wait until to-morrow, when you can ascertain the particular nature of the Bill by Lord Grey's speech."

Mr. *O'Connell:* That was not what was said by the right hon. Gentleman, nor anything like it.

After a pause,

Mr. *O'Connell* again rose, and said, that he hoped no objection would be made by the right hon. Gentleman or the Government to the production of the correspondence between the Marquess Wellesley and the Government respecting the Coercion Bill. By that it would be seen whether the renewal of that Bill had been opposed at the time stated to him by the right hon. Gentleman by the Lord-lieutenant of Ireland. That was the point of difference between the right hon. Gentleman and himself. With anything else the House had nothing to do. But it was of great importance that it should be ascertained whether at any particular period, the Lord-lieutenant was opposed to the renewal of the Coercion Bill. In a speech made elsewhere, on the introduction of that Bill, it was stated by the noble Earl at the head of the Administration, that the Lord-lieutenant of Ireland had called for the Bill. Now, for the satisfaction of those who had so cheered the right hon. Gentleman to-night, he was anxious to get at the fact whether the Lord-lieutenant of Ireland had called for the Bill as stated elsewhere. He was, also, anxious to ascertain whether the Lord-lieutenant of Ireland, so very recently as a fortnight ago, was opposed to the renewal of the Bill, as then stated to him by the right hon. Gentleman; for in that case it would be a curious matter to discover the reasons for Lord Wellesley's change of opinion. He thought that the right hon. Gentleman should have the strongest motives to produce the correspondence of Lord Wellesley up to the period in question, in order that it might be seen whether the inference which he drew from the right hon. Gentleman's statement on that occasion was correct or not. The hon. Member concluded by moving for copies of the correspondence which had taken place between the Lord-lieutenant of Ireland and his Majesty's Government on the subject of the renewal of the Coercion Act.

Mr. *Littleton* said, that the custom of the House in such cases had been so far to trust the Government as to permit it to select such portions of a correspondence as it might consider necessary to justify the introduction of a particular measure.

He had stated a few days ago, that such portions of the correspondence of the Lord-lieutenant of Ireland as might be deemed necessary for the justification of the Government in renewing the Coercion Act would be selected and laid before the House. That correspondence was now ready, and would be laid before the House to-morrow.

Mr. *O'Reilly* felt great difficulty in addressing the House after the statements they had heard on the one side, and the contradictions they had heard on the other. He felt bound, however, at once to state to his Majesty's Government that, if they did not justify themselves from the charge made against them by the hon. and learned Gentleman, he should feel bound to adopt a different course towards them from what he had done since he had had the honour of a seat in that House. The House might well believe that he (Mr. O'Reilly) had little in common in politics with the hon. and learned member for Dublin when he stated, that he had not spoken to that hon. and learned Member for upwards of two years. It was not, therefore, to favour that hon. Member that he made these observations, but he felt that it was necessary for the justification of the character of himself and other Irish members, who had supported the Government, that all the documents on the subject should be laid on the Table. He would not say anything as to the motives that might actuate parties in their opposition to Government, but he felt bound at once to state, that he should not hereafter be able to give that entire confidence and support to the Government which he had hitherto given, if a fair statement of the facts which rendered it necessary to renew the Coercion Bill was not laid before the House.

Mr. *Henry Grattan* said, that having just arrived from Ireland, he seized the earliest opportunity of stating to the House, that there never was heard any intelligence from this country relative to the intentions of Government as to Ireland with so much astonishment as the Irish people heard that this Government had dared to suggest the renewal of the Coercion Bill, more particularly when it was recollected with what difficulty many English Gentlemen in that House had been at all induced, by the display of professions of kindness generally towards Ireland by his Majesty's Ministers, to sanction the passing of the Coercion Bill without any previous inquiry, except that could be called an inquiry which was founded on three miserable reports, one of which was signed by only three Magistrates. It was now but too clear, that the House could not follow the Government in giving its sanction to such arbitrary measures as the present Ministers had the hardihood to demand at the hands of the Representatives of the people. Had even Bonaparte, in the fulness of his power, or the Autocrat Nicholas of Russia, attempted to impose such an arbitrary deprivation or suspension of their liberty upon their respective subjects? To risk the concession of such a measure for extinguishing the liberties of that country upon the mere suggestion of the King's Ministers would go far to endanger the separation by force of the two islands. He had prepared a Motion to submit to the approbation of the House, and on that occasion he should move for a Call of the House to ensure a full attendance. That Motion was to this effect—that if any Minister of the Crown should move for a Bill to continue the system of coercion in Ireland, now sanctioned by a Bill about to expire, without having a previous Committee of Inquiry to report upon the propriety of such a step, that Minister was altogether unfit to be the Minister of a free country. Sooner would he abandon his seat in that House, and never again enter St. Stephen's Chapel, than acquiesce in the re-enactment of that infamous measure without the fullest inquiry taking place into the grounds of that alleged expediency for a renewal of coercion. Better would it be, and more consistent with the care which a good Government ought to exercise over a nation's welfare, had the noble Lord set himself about bringing forward a Bread Bill, or at least suggested some means of feeding a famishing people with potatoes, whose wants he had just come from supplying in his neighbourhood with his own hands, and those of a few other charitable resident gentry, than attempt, in this iniquitous way, to silence their complaints by a hateful and unnecessary measure of coercion.

Mr. *Sheil* stated, that the Marquess Wellesley was Lord Lieutenant of Ireland in 1822 and 1823, when the Insurrection Act was brought forward. The Whigs were then in opposition, and they insisted upon the production of the documents which had induced Government to bring forward the Bill, and they were met with similar excuses to those made by the right hon. Secretary. Lord Wellesley was then the Tory Lord Lieutenant, but he was now the Whig Lord Lieutenant, and surely they were bound to produce the documents called for. But was there not a private reason for the production of these papers? Did not much of the merits of the case between his hon. and learned friend and the right hon. Secretary depend on their production? Was not his hon. and learned friend justified in stating that he had been deceived when he was told, that the Lord Lieutenant was against the renewal of that part of the Coercion Bill which referred to public meetings if the papers were not produced? The right hon. Gentleman was aware that the time was arrived when the House would be called upon to renew this Bill. The right hon. Gentleman, then, ought in justification of himself and of the Government to bring forward the reasons which had induced the Lord Lieutenant to change his opinions.

Mr. *Feargus O'Connor* said, that the right hon. Gentleman had challenged his hon. and learned friend with a breach of confidence, in stating in public a private conversation; but the truth was, that his hon. and learned friend was very nearly losing the confidence of the people of Ireland in not explaining the reasons for the conduct which he was induced to pursue in consequence of the communication with the right hon. Gentleman. He (Mr. Feargus O'Connor) would only add, that he had heard little or nothing on the subject of the Coercion Bill from his hon. and learned friend; but he had heard a great deal from some Gentlemen connected with the Government. He was sorry that his hon. and learned friend had suffered himself to be influenced for a single moment by the communication made to him, for his hon. and learned friend's conduct with regard to the Tithe Bill had not tended to increase his popularity in Ireland.

Mr. *O'Connell* said, that he would not divide the House, although the question should be put in order to place his Motion on the Journals. The right hon. Gentleman had succeeded once in deceiving him; but he (Mr. O'Connell) would take care that he should not do so again. The right hon. Gentleman now refused to bring forward the papers called for, and made the excuse that he was going to bring forward other papers which had nothing to do with the matter in question. He (Mr. O'Connell) did not envy the feelings of the right hon. Gentleman.

The Motion was negatived.

THE CURRENCY.] Mr. Thomas Attwood rose to bring forward his Motion respecting the Currency, but the hon. Gentleman had not proceeded far in his speech when

Mr. Divett moved, that the House be counted.

Mr. *Thomas Attwood* said, that this was a most unfair way to get rid of the Motion.

Forty Members, however, were present, and Mr. Thomas Attwood proceeded.

Mr. Rigby Wason moved, that the House be counted, and forty Members not being present, the House adjourned.

HOUSE OF LORDS,

Friday, July 4, 1834.

MINUTES.] Bills. Read a third time:—Pensions Civil Offices.

Petitions presented. By the Marquess of CLANRICARDE, and the Earl of ROSSLYN, from Shareholders in the London and Westminster Bank in favour of the Bill to incorporate them.—By the Earl of DURHAM, from Dissenters of Bere Regis, for Relief.—By the Earl of WARWICK, from the Clergy of Clonard, against the Irish Church Commission.—By the Duke of RICHMOND, from an Individual, against the Poor-Laws Amendment Bill.—By the Duke of WELLINGTON, the Earl of ELDON, the Earl of WESTMORELAND, the Earl WICKLOW, Lord DYNEVOR, and Lord FARNHAM,—for Protection to the Established Church.

LONDON AND WESTMINSTER BANK.] The Earl of *Wicklow* begged leave to call the particular attention of their Lordships, to a petition from the several persons whose names were subscribed, being Directors of a Company called the London and Westminster Bank, which set forth, that a Bill had passed the Commons House of Parliament, and was now in their Lordships' House, for enabling the said company to sue and be sued, in the name of one of the directors, or of the trustees, or any of them, or of the manager or managers, or any of them, of the company. The petitioners stated, that it was clear that, by the 3rd and 4th of William 4th, such facilities might be granted by Parliament to such joint-stock banks without any infraction of the exclusive privileges possessed by the said

Governor and Company of the Bank of England; and if any unwritten contract had been made in order to bind Parliament against granting such a facility, such a contract would have been a violation of the rights of the public, and would have given to the Bank of England privileges which it never before possessed, and which were not secured to it under any Act of Parliament. They went on to observe, that on the 9th of August last, previously to the Chancellor of the Exchequer submitting the declaratory clause to Parliament, the following letter was addressed to him by the Governor and Deputy Governor of the Bank of England:—

> *Bank of England, August* 9, 1833.
>
> My Lord,—We have to acknowledge your Lordship's letter of this day, enclosing a clause prepared by your Lordship's legal advisers, in lieu of the clause we had the honour to submit to your Lordship on the 7th instant Your Lordship's letter, and its enclosure, have been considered by the Court of Directors, and we beg to state, that although it is our opinion that the clause proposed by your Lordship does not carry into effect either literally or substantially the agreement entered into by his Majesty's Government and the Bank of England, and that, contrary to the intention declared in yourLordship's last letter, it does take away the exclusive privileges, yet, considering the importance of concluding the transaction, and of relieving commerce from the inconvenience of further delay, it is the determination of the Directors to submit to the terms now proposed by his Majesty's Government.

The petitioners respectfully submitted that this letter and the declaratory clause alone formed the bargain made by the Bank of England, and that such letter was an unqualified acceptance of the declaratory clause, and they asserted that it would be a violation of the rights of the public to allow it to be set up, and alleged that there was a certain other contract, not in writing, differing from this clause and this unqualified acceptance of the same, and of which no record was or could be produced. The petitioners therefore prayed, that their Lordships would be pleased to direct that witnesses should be ordered to attend at their Lordships' bar, or in a Committee of their Lordships' House, to give evidence on the subject of the alleged contract, and that counsel and agents might be allowed to attend such examination of witnesses on the part of the petitioners. He was not surprised that noble Lords opposite, who had so many important matters to attend to, should have forgotten what had taken place with reference to the Bank Charter Bill; but here the petitioners came forward and offered to prove at the bar, that the provisions of the Bill which was then before their Lordships' House were not inconsistent with the rights and privileges of the Bank of England. When the proper time arrived, he should move, if necessary, that the petition should be taken into consideration. For his own part, he had only one wish on the subject —namely, that justice should be done to all parties.

Earl *Grey* said, that the understanding which at the time of renewing the Charter had been come to with the Bank of England was not at all altered by the letter which the noble Earl had read. The Bank of England was not satisfied with the arrangement originally proposed by Government, and therefore a declaratory clause had been introduced by his noble friend in the other House. Whether the introduction of that clause was inexpedient or not was another question. He did not, however, understand it as in any degree breaking in upon the contract with the Bank,—that contract which provided that their exclusive privileges, within sixty miles of the metropolis, should be preserved to them. On that, as well as on other grounds, which he would explain hereafter, he should feel himself obliged to object to proceeding further with the Bill then before their Lordships. It should be recollected that this subject was at present under discussion by the learned Judges, who would in due time give their opinion on it. Until that opinion was given, he thought it was premature to entertain the question.

Petition to lie on the Table.

SUPPRESSION OF DISTURBANCES (IRELAND).] Earl Grey moved the Order of the Day for the second reading of the Disturbances Suppression (Ireland Bill.)

The Earl of *Durham* said, he should occupy their Lordships' attention for a very few moments while he expressed his opinion with reference to this measure, and he was the more anxious to do so, because, when the Bill was introduced last Session, he had not had an opportunity to deliver his sentiments with respect to it. He felt that if he were to remain totally silent on this occasion, it might be supposed that he was favourable to the whole measure, which was not the fact. It was with deep regret, that he felt himself obliged to dissent from part of the enactments of the Bill. He alluded to that portion of it which related to public meetings. The Bill would have commanded his approbation if the clause had been withdrawn which authorized an interference with public meetings in Ireland. He admitted that it was proper to arm the Government of Ireland with strong powers, and no man would more readily consent than he would, to place such powers in the hands of the noble Lord who was at the head of the Government, or of his right hon. friend who filled the office of chief Secretary; but, much as he confided in them, he could not consent to do that which this Bill proposed. He would not consent to arm the noble Lord or his right hon. friend with powers which, while they were contrary to the Constitution, were, as he thought, quite unnecessary. He was willing to give to the Government of Ireland all the powers that were necessary for the suppression of violence and outrage, but beyond that he would not go. He did not think that he should be doing his duty, if he did not shortly state his opinion on the Bill.

The *Lord Chancellor* could not allow the opportunity afforded by the short address of his noble friend to escape without adding his testimony to that of his noble friend at the head of his Majesty's Government as to the continued necessity which existed for adopting this measure. He did not think, that he should discharge his duty well, and faithfully, and manfully, to their Lordships, to his Sovereign, and to the country, if he shrunk from bearing his testimony to the continuance of that necessity. It was not for him then to enter into the circumstances on which the measure was originally founded. It was unnecessary for him to go minutely into the subject, after the admirable statement of his noble friend when he introduced the Bill, after the clear and comprehensive view which his noble friend on that occasion took of the state of Ireland, which would be most flourishing but for the causes which his noble friend had pointed out. His noble friend's whole address was distinguished by a truly constitutional tone; and his argument was, he thought, sufficient to convince anybody, even though he had not made up his mind previously on the facts, as he must say he had done, that this measure was absolutely necessary. This, however, he would say, and he could bear testimony to the feelings of his noble friend, as his noble friend would he was sure bear testimony to his feelings, that, as the measure was originally wrung from Ministers by the hard necessity of the case, so had the continuance of it even for the limited period of a year, been again wrung from them with redoubled reluctance, overpowering those strong constitutional feelings which were the main springs of their political conduct, and even the vital principles of their political existence. It was only from a sense of that overruling necessity that he was prevailed upon to suffer any considerable portion of this Bill to continue in force; but when the necessity existed, he felt that he had no more a choice between suffering it to continue, or allowing it to expire after the experience of a year and a-half, than he had to adopt or to reject it when it was first brought forward. His noble friend who had recently addressed their Lordships, had, in a manner the most perfectly fair, the most temperate, and the most candid towards his Majesty's Government, stated his reluctant dissent from part of the provisions of this Bill. This had the effect of turning his attention towards the distinction which his noble friend had, not unnaturally, drawn. To that point his noble friend at the head of his Majesty's Government, had adverted the other night, and had given, he thought, a very satisfactory explanation. But, when he saw that those outrages existed in Ireland which made this a measure of necessity (and the admission of his noble friend went so far), when such a state of things prevailed as called upon them to suspend the Constitution—for he could not deny that this measure did infringe on the rights of the people in Ireland—he could not deny that it was a most grievous infraction of those rights—still, when he saw things in such a situation as to require and to justify (if not required, the Act could not be justified) this infraction of the rights of those people, then he must ask himself this question—"If I am bound to suspend to this extent those rights, as regards what are called predial outrages and popular commotions—have I any right to draw the line, and take that distinction for which my noble friend has contended, and exempt from the provisions of the measures those parties who may organize the resistance which the Bill is to put an end to? Shall I say I will put down disturbance in the country, but should dangerous meetings take place in towns, I will not meddle with them? I will bear with the whole weight of my loins on the peasant, but I will not lay the weight of my little finger on those who, whether right or wrong, from principle or otherwise, actuated by levity or by enthusiasm, wish, year after year, foolishly and mischievously to make local agitation general, and on temporary grievances, build up a great scheme of national disunion." In what he was saying, he did not mean to attack any set of persons. He wished to put the most charitable construction on the course which was taken by some parties. He was anxious not to give offence to any one; he wished to avoid all misconception and misconstruction. He could, however, only judge of the intentions of the parties by their political conduct. Could he, then, when he saw, that their conduct, and the course which their opinions led them to take, had a tendency to increase incitement—had a tendency to nourish, propagate, and generalize the flame of local agitation—could he stop short, when he proposed to commit an infraction on the Constitution, and not seek a remedy for this evil? If he saw things in the light which he had described, must he not address his attention to the cause of excitement, as well as to the parties excited? He hoped to God that they would all live to see Ireland in such a state as would render the further continuance of measures of this nature no longer necessary. He now, with the greatest reluctance, agreed to the shortest possible continuance of this measure—namely, for twelve months. But he looked forward with confidence to the future, and he sincerely hoped and trusted that this would be the last time when such a measure would be found necessary. Under the circumstances of the case, he could not, however, help feeling that it was not fit, or fair, or consistent, to draw that line of distinction which his noble friend had drawn between the infraction of public rights connected with public meetings, assembled to discuss public matters, and what his noble and learned friend seemed to think of less importance—namely, the domestic rights of subjects, which were affected by the other part of the Bill, though not touched upon by that against which his noble friend had expressed his opposition. There was, he admitted, a most direct and violent infraction of those private rights, but to that his noble friend did not object. He knew, that all the King's subjects had a right to meet—had a right to address Parliament—had a right to address the Crown—had a right to put forward their grievances—had a right to assemble and to discuss the subject matter of those grievances, and the measures of the Government and the Legislature generally. He knew all this, and God forbid that he should deny, or that he should doubt, the existence of such rights. They were the sacred, the imprescriptible rights of the people; but was it less a right that a man might be out after sunset? Was it less a right that he should be enabled to go about his business as he listed, so that he broke no law, so that he infringed no statute? But what said this Bill? Why, it said (and to that his noble friend gave his consent) that a man should not, unless he could show special reasons for it, leave his threshold after sunset, that he should not go about his business according to his own convenience. Such was the provision of this renewed law—a law to which those subject to it must be slaves, but which had become necessary in consequence of the situation of the country. Parliament was last Session placed in this cruel dilemma, either to suspend the rights of the people for a season, or to declare that the Government of the country could not repay allegiance with protection. The doctrine which he had formerly laid down in that House was, that allegiance and protection were co-equal; and that, when a Government could no longer give protection, it no longer had a right to exact allegiance. To give protection to the well-disposed, the Bill was necessary, and in committing an infraction on the rights of the least worthy, they insured their obedience by ensuring the protection of the most worthy. He admitted, that it was an infraction of popular rights when power was given to prevent, or to put an end to, public meetings; but he utterly denied, that it was a greater infraction of the constitutional rights of the people, than was to be found in the sunset part of this Bill, which interfered with the common rights of every individual. These were the grounds which prevented him from drawing that line of distinction which his noble friend had pointed out. If he suspended one species of right (and he hoped and believed, that he consented to that suspension for the last time) he felt, that it was equally necessary to suspend the other. Yes, he deemed it necessary to apply a legislative enactment to the exciting cause, as well as to the mischief which that excitement produced. Unhappily, circumstances had placed them in the dilemma which he had described. It was evidently necessary that some general measure should be adopted with respect to Ireland—a moderate but a permanent measure—for they could not continue to proceed on the principle of temporary legislation. How was the Legislature situated with reference to a temporary measure of this kind? Why, if during the next seven or eight months agitation and violence to any extent prevailed, those whose interests were affected would come and tell the Legislature, that under existing circumstances the Bill could not be dropped; but if, on the other hand, no agitation, no excitation, was manifested during that time, then the argument would be, that they must continue the measure, because the prevailing quietness was owing to the Bill. Here was the great difficulty of the case, and he therefore thus put their Lordships on their guard with reference to it. They must direct their minds to some mitigated but general measure to preserve the peace of that part of the empire. He stated this confidently, because it was evident that measures of this nature could not be carried on year after year for ever; there must be an end to them sooner or later. Temporary expedients must ultimately give way to a general plan of legislation. To proceed year after year with measures that were only tolerated on account of the necessity of the case, which were only borne with because nothing else could be done at the moment, was neither beneficial to the people nor creditable to the Government. It was not acting like a wise or a prudent Legislature to go on in this way. He had thus stated to the best of his power the reasons which prevented him from agreeing in the objection which his noble friend had taken against this measure. He was as anxious as his noble friend to preserve the liberty of the subject, and, while he supported the present Bill, he was as desirous as his noble friend could possibly be, that such measures of dire necessity should never, for even one moment, outlive the continuance of that necessity.

The Duke of *Wellington* entirely approved of the Bill, the necessity for which was clearly proved by the correspondence which had just been laid on their Lordships' Table. To show that necessity, he begged leave to read an extract from a letter addressed to his Majesty's Government by the Lord-lieutenant of Ireland. The noble Lord there stated: 'These disturbances have been, in every instance, excited and inflamed by the agitation of the combined projects for the abolition of tithes, and the destruction of the Union with Great Britain. I cannot employ words of sufficient strength to express my solicitude, that his Majesty's Government should fix the deepest attention on the intimate connexion, marked by the strongest characters, in all these transactions, between the system of agitation, and its inevitable consequence — the system of combination, leading to violence and outrage. They are, inseparably, cause and effect; nor can I (after the most attentive consideration of the dreadful scenes passing under my view) by any effort of my understanding, separate one from the other in that unbroken chain of indissoluble connexion.' Speaking of the opinion of the Magistrates, the Lord-lieutenant said:—'Your Lordship will observe, that their opinion is unanimously and powerfully given in favour of the renewal of that Act. It is superfluous for me to add my entire approbation of the opinions which they have expressed, and my most anxious desire that the Act may be renewed.' He might say, too, that it was superfluous for him to add anything to the strong opinion thus expressed in favour of the measure. All he should say was, that the Bill had his entire and most heart-felt approbation.

The Earl of *Limerick* said, he should feel himself to be a bad Member of that House, were he to shrink from the expression of his opinion on the present occasion. The measure then before their Lordships was, in his opinion, necessary for the salvation of that unfortunate country to which it had reference, which ought to be, and would be, one of the most thriving and happy countries in Europe, but for the machinations of designing men. He more particularly supported this Bill because it contained the provision to which the noble Earl opposite objected; he supported it, because it was calculated to prevent those political meetings, and that violence of expression which had wrought so much mischief in Ireland. But for that provision it would be looked upon as a dead letter—as the futile production of some weak temporizing Minister, who held out a show of protection, while he struck out of the Bill all that was necessary to render it efficient. What was it that the noble Earl objected to? Why, to that portion of the Bill which provided for putting down meetings that were calculated to excite the people to outrage and violence. He would not particularize the persons who appeared at those meetings; it would be invidious to do so; but he might be allowed to describe them. They were men of desperate ambition, and of strong passions, who came forward for the purpose of agitating that unhappy country, and of extracting from the hard earnings of poverty, of collecting from wretches who scarcely possessed the means of existence, money for themselves, and who also came forward for the purpose of securing that which was the most captivating object to all mankind—the power of domination. "Agitate, agitate, agitate!" were words of grievous importance; they were the direst legacy which any statesman had ever bequeathed to his country, and they had filled that country with convulsion from one end of it to the other. He complained, too, of the situation in which the Government of Ireland had placed the true, the gallant, and the loyal population of that country. Speaking of their governors, they would say, "There is nothing but trickery here, everything done by them is underhand; those who ought to be the guardians of the flock are the first to commence negotiations with the wolves, who are ready to devour it. It was fearful to think what might be the result of such negotiations, in a country brimful of fear and prejudice, and torn to pieces by religious dissensions. He was unfortunately old enough to remember the scenes of 1798; and if the Protestants could not look to the Government those scenes might be renewed. The Government, however, would now feel it a matter of great difficulty to tranquillize the Protestants of Ireland, and to breathe into their bosoms anything like confidence. He was glad to find, that Ministers had left out the Court-martial clauses; that was proper enough; but he thought, that the House would be unjust to itself and to the country, if they did not promptly pass this Bill for renewing the other clauses of the Act of last year.

The Earl of *Mulgrave* could not, he said, vote in favour of the present Bill, without stating briefly the reasons which induced him to do so, as the Bill was opposed to all the principles on which he had hitherto been accustomed to act. The confidence which he placed in the noble Earl at the head of the Government, who, in the whole course of his long political life had never belied any of his public professions, induced him to consent to the renewal of an act which that noble Earl had declared to be necessary to the tranquillity and security of Ireland. It was with great pain, that he had come to this decision. In the year 1819, he had opposed the passing of similar measures of coercion when it was proposed to apply them to England, though, by so doing, he had differed with some of his nearest and dearest relatives. As a peer of Parliament, he never would allow, that that part of the United Kingdom called Ireland should be treated in a manner different from the other portions of the King's dominions. He wished to throw out a suggestion respecting this Bill, though, if it were not adopted, he should not propose it as an Amendment. He wished, that the renewal of the Bill should be continued only till a short period after the commencement of the next Session of Parliament.

Lord *Farnham* confirmed the assertion of the noble Earl opposite, that the Juries who, at the late Assizes, had tried offences of an insurrectionary character had discharged their duty manfully and honestly. He was therefore inclined to think, that the Court-martial clauses were no longer necessary, and that the repeal of them would reconcile to this Bill many persons in Ireland who were at present opposed to it. He had sufficient confidence in the noble Earl opposite to believe, that he would exercise the powers with which it invested the Ministers, with justice and mercy, and also with due vigilance. He wished that he could say, that all the proceedings of the Irish Government, especially during the last few days, had met with his approbation; but the noble Earl (Limerick) had adverted to rumours which he had also heard, and on which he must be permitted to make a remark or two. He could not help reprobating in the strongest terms that species of negotiation which had recently been going on with the agitators of Ireland; and nothing would give him greater pleasure than to hear the noble Earl at the head of the Government assert, that he knew nothing of it. He was quite sure, that the noble Earl had not originated those negotiations; and he hoped that they had originated in the indiscretion of an individual Minister rather than in a wish to conciliate those by truckling who were the cause of all the mischief, and who were seeking the subversion of order and property in Ireland. He knew, that neither the Protestants nor the Catholics of that country were favourable to the Repeal of the Union; they were tormented on that subject by the agitators; all that they wished was a restoration of tranquillity, which was so necessary to the prosperity and well-doing of Ireland.

Earl *Grey* said, the observations of the noble Lords who had preceded him, placed him under the necessity of saying a few words; but, before he addressed himself to the topics more particularly adverted to by the noble Baron who had just sat down, he wished to advert to the general circumstances which had been introduced into the debate. And first, he must express the deep pain which he felt whenever any subject of difference arose between himself and his noble friend and relation (the Earl of Durham). He was sure, that his noble relation acted from none but honourable and conscientious motives, and that he was anxious to discharge his public duties in the way most beneficial to the interests of his country. He was sure, that every sentiment which his noble relative uttered sprung from a pure and enlightened love of liberty, which sometimes led him to shut his eyes against the immediate consequences of freedom, but which was unconnected with motives of any kind, save those of the most unblemished honour. It was therefore with pain that he dissented upon any occasion from his noble relative; but so total and absolute was his dissent from his noble relative on the present occasion, that if he could not have proposed the renewal of this Bill with the clauses which it contained respecting public meetings, he would not have proposed it at all. If those clauses had been omitted, the omission in his opinion would have been both impolitic and cruel; for could any one dissent from the paragraph of that letter which had just been read by the noble Duke? Was it the part of a wise man to legislate against the effect, and to neglect the cause—to legislate against the victims of delusion, but to let those escape scot-free, who, from whatever motive, had of late years pursued a course of agitation in Ireland? He had felt from the beginning, that these things—the cause and the effect—ought not to be separated. If it were necessary to arm Government with great power to put down that insubordination and violence in Ireland which had too often terminated in bloodshed, surely it was necessary to legislate against that which caused the outrages, which rendered that great power necessary. The Bill, then, to be effectual, must contain the clauses to which his noble relative objected. At the time when the Bill was first passed, there were two associations in Dublin, one called the National Association, being a political and Trades' Union, and the other called the Association of Irish Volunteers—a name which was revived for purposes he need not mention. The first operation of the Coercion Act was directed against the town and county of Kilkenny; the next was against those two associations, which were put down by the proclamations of the 10th and 17th of April. The right of discussion, and the right of petition, he was the last man in the world to question. He would endeavour at all times to maintain them; but he would also endeavour, in the present state of Ireland, to protect the people of Ireland against their abuse. To show their Lordships what the conduct of Government had been upon this point, he would appeal to the recollection of those noble Lords who had been attentive to the events of the last year. Many meetings had been held during that time with which the Government had not interfered; but it was a very different thing to allow these meetings when isolated and distinct, and to leave the executive Government without the power of acting against central and simultaneous meetings, distributing their mischievous instructions throughout the country, and keeping up that agitation which caused in the first instance, and continued in the next, the predial disturbances of Ireland. Did any man suppose, that if the act of last Session had not been passed, the meetings for the Repeal of the Union would not have continued, or that, if they had continued, the spirit of disorder and outrage would not have extended itself to other parts of Ireland? Had that been the case, the Irish Government would have been compelled at a later period to apply the severe powers of this Act all over Ireland. That consideration might, perhaps, teach those who were so anxious to protect the liberties of the people, that the mitigation which they desired might perhaps lead to the necessity of enacting severer measures to prevent the increase of the evils which now prevailed. These were the principles on which the Government had acted, and on which it was still prepared to act; and he could assure the noble Earl who had just returned from a distant Government, where his services had been so eminently useful, and who had expressed in such favourable terms his confidence in the Ministers, that nothing but a conviction of its positive necessity could have induced him to propose the renewal of the Coercion Act. With all due deference to his noble friend, he thought that the 1st of August, 1835, was the shortest period to which the continuance of the Bill ought to be limited; for if their Lordships were called upon to consider the propriety of renewing it immediately after their meeting in the next Session of Parliament, they might have to consider it under circumstances preventing that calm consideration which its importance required. Having said thus much, it was impossible for him not to allude to what had been said by some noble Lords respecting certain negotiations which they supposed had recently taken place. All he could say of those negotiations; if, indeed, any negotiations had taken place (which he did not believe) was this—that any negotiations, any communications which took place, were totally unknown to him. If he had been applied to on the subject, he should not only have expressed his disapprobation of them, but should have used every exertion in his power to prevent them. It was a principle of his to hold no communication with persons who sought for their own purposes to injure the country; he never had held any communication with such persons; and he never would, and he had no knowledge whatever of anything of the kind which might have passed. There was no trickery, at any rate, on his part. For if ever there had been a direct proceeding, it was in regard to this Bill. From the beginning, he had felt the necessity of enacting these laws, and he would now declare again, that without these clauses regulating public meetings, he would not have proposed the present law. It was not necessary, he thought, for him to say anything more. He assured their Lordships, that he proposed this Bill with reluctance; but he still proposed it under a sense of duty to which, if he had not yielded, he should be most unworthy of the situation which he then filled.

The Earl of *Wicklow* could not resist the opportunity of saying, that what had fallen from the noble Earl at the head of the Government, and from the noble Lord on the Woolsack, was a source of deep gratification to him. It was material, that within twenty-four hours after the unstatesmanlike declaration made elsewhere, a disavowal of it should be given by the noble Earl opposite, and the noble and learned Lord on the Woolsack. It was with great satisfaction that he had heard those noble Lords declare, that they would not allow this Bill to pass unless it contained the clauses for the better regulation of public meetings. There was no man to whom he would trust the powers of this Bill more readily than to the noble Marquess now at the head of the Irish Government, but he wished that the noble Marquess had better Ministers; and he hoped that the Session would not pass away without his having, at least, one better Minister.

The *Lord Chancellor* said, that it was always with pleasure that he received credit for his actions from so respectable a Member of their Lordships' House as the noble Earl who had just spoken; but he could not consent to receive that credit at the expense of a right hon. friend of his in another House, whom the noble Earl seemed to suppose—why, he knew not—that his noble friend had thrown overboard. He did not believe that anything like a negotiation had taken place between his right hon. friend and the party to whom allusion had been so pointedly made. There might have been communications unknown to the Government on the subject of the Coercion Bill between his right hon. friend and that party, as there had been between himself and a noble Lord whom he did not then see in his place. He had discussed with that noble Lord, in private, upon the Woolsack the operation of the Coercion Bill, and before he had seen the papers, he had told that noble Lord that he wished the clauses respecting Courts-martial and Public Meetings struck out of the Bill; but when he found the facts to be such as they appeared to be in the papers, read by his noble friend the other evening, he had formed the opinion which he had that night frankly expressed to their Lordships.

Lord *Stourton* could not avoid accompanying his vote this night in favour of the continuance of the Coercion Bill, with a few observations, supplicating the Legislature to take more especially under its protection the helpless condition of the labouring population of Ireland. Without some improvement in their condition he could not share the anticipations of the learned Lord on the Woolsack, that this may be the last time that they shall have to suspend the Constitution in order to put down predial disturbances in that country. No, year after year, and generation after generation, in the future, as in the past, their Lordships would have to enact Insurrection Bills and Coercion Bills, unless the condition of the country people were ameliorated by some strong measures of protection and succour. At present they were in extreme destitution; he spoke of the ejected tenantry of that country, whose whole dependence for subsistence (save mendicity) was upon the land which many of them were no longer suffered to occupy. He agreed with the learned Lord, in his axiom in defence of this Bill, "that allegiance and protection were reciprocal duties," and, therefore, the Government was bound to protect the lives and properties of the people from agrarian outrage or invasion. But while he agreed in that, he implored their Lordships to rule alike for the low as for the high, for the peasant as for the Peer—to protect the life of the ejected and resourceless cottier tenant, as well as the property of his landlord. In truth, nothing under the present state of the law could be more anomalous than was the condition of millions of human beings in Ireland. It was anomalous as it regarded the labourers of England, Wales, or Scotland; they had a defence and shield in the Poor-laws —laws which, from gross maladministration only, had lately been subject to much animadversion, but which had, nevertheless, for centuries, in all the increasing grandeur of this great empire, stood by the country people of England as their best friend and protector. But this shield was denied to the Irishman; he was abandoned to his fate and all its casualties. Again, the state of the Irish peasant was anomalous with reference to the whole of Christendom. In all other countries the people had either some compulsory relief to trust to, as in Protestant Holland, Switzerland, North America, and Sweden, or rich monastic foundations and institutions as asylums to fly to in Catholic France before the Revolution, and Spain and Portugal, and Austria, and Italy, their revenues being in a great measure the patrimony of the poor, even to a degree that had been a subject of complaint with some writers. But even this was not all —once more the Irishman's case was anomalous as a member of the civilized world. The common lot of all other labouring men was this:—They shared in the distribution of their countrymen's wealth, by administering to his wants. In this way the rich and poor were linked together, and the funds of the one were commensurate with the property of the other. But this source was dried up, or in a great measure diverted out of its natural course and channel by absenteeism —existing to a degree in Ireland that was nowhere else to be seen. He would not enter on another subject, namely, that of the transition from a cottier state to one of consolidating farms; that likewise was anomalous, but this topic would lead him too far. All and every one of these anomalies pressed down the Irish labourer; and while this state of things continued, agitation would always be a fearful and tremendous engine. But, as it was said of that great mechanical power, the steam-engine, that one bushel of coal was equal to the power of twenty men; so of this moral engine, agitation, he might say (if he might be allowed the expression), that one bushel of misery was equal to the power of twenty agitators. Let their Lordships combine all the energies of this powerful empire to deprive the agitators of fuel, and they would put an end to them, and might throw aside Coercion Bills. He would read a few lines from the history of our own country, at the period which succeeded the suppression of the monasteries, and accompanying what was then termed the engrossing of farms—the transition system. Strype, in his Annals said:—"There were (speaking of Queen Elizabeth's reign) at least 300 or 400 able-bodied vagabonds in every county, who lived by thefts and rapine, and who sometimes met in troops to the number of sixty, and committed spoil on the inhabitants; the Magistrates were awed by the association and threats of the confederates from executing justice on the offenders;" and Hollingshead, in his description of England, says:—"In Elizabeth's time rogues were trussed up apace, and that there was not a year commonly wherein 300 or 400 of them were not devoured and eaten up by the gallows." "But," said the noble Lord, "we set the people to work, by the 43rd of this Queen, and the country was tranquillized."

The Marquess of *Westmeath* thanked the noble Earl at the head of the Government for the consolation his speech was calculated to give to the peaceable population of Ireland. He was glad to learn that the noble Earl was not disposed to sanction those transactions which had been alluded to in the course of the debate, and he did trust, that the right hon. Gentleman connected with the Irish Government would not again enter into a confidential communication with the wily individual with whom he had lately carried on an intercourse. He should certainly wish the right hon. Gentleman to treat that individual civilly; he would not have the right hon. Gentleman shut the door in his face, but he trusted that the right hon. Gentleman would not again send for that individual to consult him on the state of public affairs.

Bill read a second time.

HOUSE OF COMMONS,

Friday, July 4, 1834.

MINUTES.] Bills. Read a first time:—Customs' Acts Amendment.—Read a second time:—Newspaper Postage.—Read a third time:—Insolvent Debtors (Ireland); and Court of Equity Process.

Petitions presented. By Mr. PRYSE, from Dissenters of Aberystwith, for Relief.—By Mr. GASKELL, and Mr. PELHAM, from Dissenters of Wakefield, Chipping Wycombe, and other Places, against the Church-Rates Bill.—By Sir ROBERT PEEL, Mr. HALFORD, Mr. SCOTT, Viscount EBRINGTON, Lord HENNIKER, Mr. R. PALMER, Mr. FANCOURT, Lord HOTHAM, Mr. GOULBURN, Mr. BLAMIRE, and Mr. BARING, from a great Number of Places,—for Protection to the Established Church.—By Mr. HILL, from Hull, for the Repeal of the Stamp-Duties on Newspapers.—By Mr. C. BRUCE, from Merchants of Inverness, in favour of the Bankrupt (Scotland) Bill.—By Sir WILLIAM MOLESWORTH, from Mr. George Gurney, for Relief, Acts of Parliament having injured his Patent for Steam Carriages.—By Mr. RICHARDS, from Hull, for Compensation under the Non-Imprisonment for Debt Bill.—By Mr. J. A. SMITH, from Chichester, to enable Ecclesiastical Corporations to grant Enfranchisements.—By Mr. LEFROY, from Clergymen of Elphin, not to pay Instalments on Loans for Glebe-Houses.—By Mr. ROEBUCK, from Bath, and by Lord ALTHORP, from Reading,—against the Sale of Beer Act Amendment Bill.—By Sir D. SANDFORD, from Paisley, against the Law of Entails.—By Mr. BARING, from Coventry, for Inquiry into the Silk Trade.—By Colonel CONOLLY, from Clonard, for a Better Education for Catholics; and by Mr. BROTHERTON, from Hand-Loom Weavers of London and its Neighbourhood, for Local Boards of Trade.

LIBEL LAW.] Mr. *Roebuck*:—I have, Sir, to present two petitions to the House, respecting persons now in prison for offences by the Press. I present both together, because I am about to support them both by the same wide general principle, and because I wish also to advert to what I consider a blameable inconsistency in the punishments awarded. The first petition is from a person of the name of Reeves, who was prosecuted for what is termed a seditious libel. This libel was a gross, vulgar, and ignorant appeal to the people to assemble in National Convention. I am informed, that this paper was printed during the short time that the present Ministers were out of office, on the passing of the Reform Bill. The prisoner bought the paper the last Westminster election, and sold it in the crowd assembled round the hustings; being, as he said, ignorant of its contents. This, be it remembered, was long after the publication of the paper, which had, in fact, long lain as waste paper in the shop, I believe, of Mr. Hetherington. On the day upon which this poor and illiterate person was condemned, Messrs. Grant and Bell were also condemned. Now, in both cases, the prosecutions were instituted because of danger to the State; and I beg to ask the House, whence, if danger were to arise, was it most likely to come, from the ignorant Reeves, or the instructed and intelligent gentlemen, Messrs. Grant and Bell? Unquestionably, if these various persons should think fit to assail the Government, no one could for a moment believe but that the danger, if any, was far more likely to exist in the case of Messrs Grant and Bell, than in that of Reeves. But it appeared to the whole Court, upon deliberation, that three months were sufficient to ward off such danger as resulted from the conduct of Messrs. Grant and Bell. I assume that it was quite sufficient. But, now I ask, how it comes, that twelve months is required in the case of Reeves? In this case, then, reasoning upon their own principles, I show, that where least danger exists, there, for some curious reason, the Judge awards the severer punishment. I must own, that I should like to hear this inconsistency explained. But, Sir, I have a stronger objection to urge—an objection which arises out of a very extraordinary petition from the town of Cheltenham. This petition sets forth some remarkable opinions—opinions, which to this House may appear new and dangerous, but which have received not merely the sanction of some of the first political writers of the day, but also of a noble and learned Lord, who lately, on giving evidence before a Committee of the House, contemplating this very case, supported the opinions of this petition which I now read. The petition states, first,—"that there are some cases in which the duty of obedience may cease on the part of subjects to their governors." And it further states,—"that resistance to the payment of taxes was one mode of marking the cessation of obedience." The petition afterwards states,—"that if persons by inflammatory writings or speeches, should incite the people to resist the payment of taxes, one of two things must happen—either the people would not agree with those inciting them, or they would. If they did not agree, then no danger to the Government could exist, and the writings might safely be left to the neglect of the people. If the people did agree with them, then ought the Government not to proceed to punish the writers, but to reform themselves; not to make attacks upon the Press, but to act upon the wishes of the people." To this extremely well put argument, I have little to add. With the petitioners, I believe, that the Government would do well not to attack the Press, but to watch the feelings of the people. The *True Sun*, whose conduct I am not now either about to defend or impugn, might safely have been left to the people of England as a Jury. That people, calm, intelligent, and well knowing the benefit of good government, and a peaceful administration of the laws, would not rush hastily into resistance — and should a time come when they believed resistance necessary, no prosecutions of this kind would avail to keep it down. In the case before us, they did not yield a response to the advice of the *True Sun*, and what danger, I ask, could have arisen had the writers been ten times more outrageous? But just see what mischief arises from these prosecutions. The people did not agree with the *True Sun*, but now, by this persecution, you raise up sympathy—you disturb the judgments of the people, and so far to make them, by sympathy, adopt the very opinions you profess to dread. Leave truth to herself, unincumbered by the dangerous aid of prosecutions, and she will assuredly triumph. Bring the law to her assistance, and you endanger her success.

Viscount *Howick* thought it would be much better to postpone the consideration of these cases for the present, as a notice was already in the Order-book respecting one of them. He must, nevertheless, protest against the doctrine held forth in the libels in question, that because a Government was unpopular, it was competent to persons to assemble, calling themselves a National Convention, and pass measures with a direct tendency to the subversion of the Government; and if such proceedings could not be sanctioned, how could the hon. Member, in common consistency, refuse to punish persons who were guilty of instigating the people to adopt such measures?

Sir *Henry Hardinge* thought, that the petitioners were entitled to consideration, not so much on their own merits, as on account of what had passed in this House. Had it not been stated by the brother of the Lord Chancellor, and other persons connected with the Government, or of high stations in society, that if certain measures were not conceded, the people would be justified in withholding the payment of taxes? If such examples were given to the people by persons of rank, and individuals connected with the Government, what was to be expected from the people themselves? He thought these circumstances ought to have some weight with the House as to mitigating the punishment of these offenders.

Mr. *Feargus O'Connor* hoped, when the case of which he had given notice should come before the House, the individuals now suffering imprisonment would be considered as having followed the course recommended by Lord Milton and persons connected with the Government.

Viscount *Howick* denied, that the Government or any persons connected with it, had sanctioned the proceedings alluded to in the articles in the *True Sun.*

Sir *Robert Peel* deprecated long premeditated discussions on the presentation of petitions. Only nine hours a-week were allowed for the presentation of petitions, and if such discussions were indulged in, it was impossible one-half of the petitions could ever be presented to the House.

Petitions laid on the Table.

CHURCH TEMPORALITIES AND TITHES (IRELAND).] On the Motion of Mr. Littleton, the House went into Committee on the Irish Church Temporalities Act.

Mr. *Littleton* said, he had intended to to go on with the Tithe Bill; but, understanding that he could not proceed with it till the House had, in a Committee, passed certain resolutions relative to the Church Temporalities' Act, he had moved for such a Committee. Having already detailed on Monday last the nature of the changes which his Majesty's Government had deemed it necessary to make in the Irish Tithe Bill, he would now briefly and in substance restate what he then laid before the Committee. The Committee was aware, that the Bill proposed to put an end to all composition for tithes payable throughout Ireland from the 1st of November next, such composition to be converted into a land-tax, payable by the same parties liable to the composition, and to the same amount. It was further proposed, that that land-tax should be continued for a period of five years, ending the 1st of November, 1839. It was then to be converted into a rent-charge; but it was also proposed, that any time during that period, up to November, 1836, a rent charge equal to the interest at $3\frac{1}{2}$ per cent on the amount of the Land-tax, multiplied by four-fifths of the number of years' purchase which the land might be fairly worth, might be voluntarily incurred by the owners of the first estates of inheritance, for which a bonus, in certain proportions, as he would state hereafter, would be granted to them. At the end of the period—namely, on the 1st of November, 1839—in all cases where a rent-charge of the amount he had mentioned should not have been created, then a rent-charge equal to four-fifths of the Land-tax should be compulsorily imposed, and become payable by the owner of the first estate of inheritance. It no doubt would be a considerable relief to the landowners to give them the power of redemption with respect to this rent-charge. The means of redemption, however, had been taken from under them. That being the case, his Majesty's Government had no other alternative than to propose what they did. He only hoped, that hereafter means might be devised to relieve the land from this rent-charge. In the mean time, however, it was necessary to impose a Land-tax in lieu of tithes, and it was proposed, that those landlords who should voluntarily take on themselves the payment of a rent-charge to the amount he had stated in the stead of that Land-tax, should receive a considerable bonus. That bonus was to be given to those who should incur this rent-charge voluntarily before the 1st of November, 1836. He thought it necessary to enter into these particulars, though the clauses which he intended to propose had been in the hands of hon. Members for the last two days. It was provided by those clauses, that at the desire of the owner of the perpetual estate or interest, the Land-tax might be converted into a rent-charge of the amount specified in the clauses at any time previous to November, 1836. He had already stated how the amount of the voluntary rent-charges were to be calculated. The right hon. Gentleman then went into a calculation to show, that while the bonus to be given for voluntarily incurring such rent-charge would not be less than twenty per cent, it would in no case be more than forty per cent. He illustrated it in this manner—that in counties where the land would be worth twenty-eight years' purchase, the Land-tax being multiplied by four-fifths of that number of years, and three and a-half per cent being allowed upon the amount, the result would be 78*l.* 8*s.* per cent, or a bonus of twenty-one and a-half per cent to the purchaser. In counties where the land was worth twenty-five years' purchase, the Land-tax being multiplied by four-fifths of that, and three and a-half per cent being allowed on that amount, the result would be 70*l.* in the hundred, or a bonus of thirty per cent; and in counties where land was worth twenty years' purchase, the land-tax being multiplied by four-fifths of that amount, and three and a-half per cent being allowed upon it, the result would be 56*l.*

in the hundred, or a bonus of forty-four per cent. In the last case, however, the bonus would not rise higher than forty per cent, as a limitation would be introduced into the Bill, that the bonus should never be less than twenty, nor more than forty per cent. The question then was, in what manner and whence that bonus was to be provided. It was proposed, in the first instance, that the amount of the deficiencies arising out of the voluntary rent-charges should be advanced out of the Consolidated Fund, the deficiency occasioned by the creation of rent-charge in lieu of Ecclesiastical tithes, to be distinguished from that occasioned by the creation of rent-charges in lieu of impropriate tithes. To indemnify the Consolidated Fund for such advances, it was proposed, that the ecclesiastical commissioners of Ireland should repay out of the Perpetuity Purchase Fund now in their hands, so much of the sums so advanced as should be required to make good the deficiency arising out of the creation of rent-charges in lieu of ecclesiastical tithes. A most important consideration here arose, how far it would be prudent or fair, to apply the Perpetuity Purchase Fund to the purposes of this measure. He must remind the Committee, that, in the discussions on the 147th Clause last Session, it was never laid down that this fund should be applied to merely and strictly ecclesiastical purposes. It was, however, intended by the Legislature, that this fund should not be devoted to sources from which the Church establishment derived no benefit, and that it should not be applied to sources unconnected with the Establishment. With regard to the amount of the funds likely to be in the hands of the Irish Ecclesiastical Commissioners, arising from other sources, and applicable to general purposes, he had consulted the best authority on the subject, one of the Commissioners themselves, Mr. Irvine; and he had estimated those funds as amounting to about 91,000*l.* a-year. There was to be deducted from that the expenditure necessary for indispensable purposes, amounting to 66,000*l.*, which left a balance of 25,000*l.*, which might be applied by the Commissioners to the important purposes subsidiary to this Act. Here was a clear surplus revenue disposable for such purposes without touching in any way the Perpetuity Fund. Mr. Irvine calculated, that the Perpetuity Fund at present in the hands of the Commissioners amounted to 1,200,000*l.*, which would produce 60,000*l.* a-year. It was probable that that amount would be greatly increased in the course of the year. He trusted, indeed, that the whole amount would be speedily realized. He could not entertain a doubt that the majority of that House would be ready to make a sacrifice, and he would admit, that the charge on the Consolidated Fund would amount to no small sacrifice, for the purpose of insuring peace in Ireland, and putting an end to a system that had been the fruitful source of violence and bloodshed.

Mr. *Hume* inquired how the Consolidated Fund was to be indemnified for the advances made out of it?

Mr. *Littleton* said, it would be indemnified from the funds, as far as they would go, that he had specified. It would be impossible to say accurately what amount it would be necessary to advance from the Consolidated Fund. A bonus was to be given to the landlords for voluntarily taking on themselves the rent-charge, and it was impossible to say how far that would be carried in the years that were allowed for such a voluntary composition. If that amount should in one year be carried to its fullest extent, undoubtedly a loss would accrue to the Consolidated Fund. He had not, however, heard any estimate that carried the amount of the bonus payable in the course of a year beyond 100,000*l.* The income to be derived from the Perpetuity Purchase Fund would not go more than to meet about the half of that sum.

Mr. *Shaw* asked how the bonus payable to the lay impropriators would be provided for.

Mr. *Littleton* said, it would be charged upon the Consolidated Fund. It would be obviously impossible to apply any portion of the Perpetuity purchase-money as a bonus to those lay impropriators who would voluntarily take the Land-tax as a rent-charge on themselves. That fund could only be applied to defray so much of the bonus as would be required with respect to ecclesiastical tithes. He had already stated, that the Ecclesiastical Commissioners would be empowered to pay out of the Perpetuity Fund so much of the sums advanced out of the Consolidated Fund as were required to make good the deficiency arising out of the creation of rent-charges in lieu of ecclesiastical tithes. But that was not to be applied to lay tithes. The right hon. Gentleman concluded by moving the following Resolution: "That it is the opinion of this Committee, that any deficit which may arise in the funds accruing to the Commissioners of his Majesty's Woods and Forests, Land Revenues, Works and Buildings, under the provisions of any Act which may be passed during the present Session of Parliament, and applicable to the payments to be made under such Act, to the parties now entitled to tithe compositions in Ireland, shall be advanced and made good out of the Consolidated Fund of the United Kingdom; and that so much of the money so advanced as shall be applicable to any payments to be made to ecclesiastical persons, shall be repaid out of the monies arising to the credit of the Ecclesiastical Commissioners for Ireland, in the Perpetuity Purchase Fund account, to be kept by the said Ecclesiastical Commissioners, pursuant to the provisions of an Act passed in the last Session of Parliament, intituled 'An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland.'"

Mr. *Hume* expressed his inability accurately to understand the statement just made by the right hon. Gentleman.

Mr. *Littleton* repeated, that the Ecclesiastical Commissioners would, from the fund of 91,000*l.* in their hands for general purposes, after defraying the necessary expenditure, amounting to 66,000*l.*, leave a balance of 25,000*l.*; and then there was the Perpetuity Purchase Fund, which was estimated at 1,200,000*l.* which at an interest of 3½ per cent. would produce 42,000*l.* a-year. He had estimated the interest at 60,000*l.*, as it was probable that the total amount of that fund would amount to more.

Mr. *O'Connell* observed, that the vestry cess had amounted to no less than 75,000*l.*, and that now that it was abolished, the purposes to which it had been applied came within those to which the 91,000*l.* in the hands of the Commissioners must be applied.

Mr. *Littleton* said, that all the charges under that head did not amount to more than 35,000*l.*

Mr. *Robinson* wished to know what the Resolution meant? As far as he could understand, it would appear that the whole of the charge was to be placed upon the Consolidated Fund, the general vortex upon which it seemed the fashion now to fix every kind of charge. As far as he understood the Resolution, there was no reimbursement to be made to the Consolidated Fund, as far at least as the lay tithes were concerned. He would have no objection to allow such a charge to be made upon the Consolidated Fund, or, in other words, on the people of this country, for the purpose of settling this question, if he could see any means by which they could be indemnified hereafter. He would make no objection to the proposition if it presented a chance of restoring tranquillity in Ireland; but there was no security whatever for the repayment of the money.

Lord *Althorp* said, that with respect to the ecclesiastical tithes, when a deficit took place in consequence of the creation of the Land-tax or rent-charges in lieu of them, that deficit would be paid in the first instance out of the Consolidated Fund, to be repaid out of the Perpetuity Purchase Fund, and other funds in the hands of the Irish Ecclesiastical Commissioners. With regard to the conversion of the tithes, it might certainly be argued that the whole would be converted at once; but that was an extreme case, and in opposition to it he had a right to assume, that if such would be the case, the deficit that would thereby arise would not be so large as was estimated. If the deficit should amount to 100,000*l.* a-year, and he would admit, that it probably would amount to about that, the amount supplied by the interest on the Perpetuity Purchase Fund would not meet more than half of that, and therefore would not afford immediate security for the repayment of it. Under such circumstances, his right hon. friend was obliged to have recourse to the funds in the hands of the Commissioners for general purposes. These were the only funds to which they could have recourse at present to meet this deficit, but there was nothing to prevent the House at a future period entertaining the question whether there were not other sources to which they might apply for the purpose of making repayment to the Consolidated Fund. It was true, that with regard to lay tithes, there was no fund to supply a security for the repayment of the sums that would be advanced out of the Consolidated Fund to meet the deficit that might accrue in respect to them. There was little doubt, therefore, that this charge would fall upon the country, but he did not think that it was likely to amount to more than 20,000*l.* a-year. But supposing that the effect of this proposition would be to produce the pacification of Ireland, surely that would not be paying dearly for such an advantage. If such should be, as he hoped it would be, the result of this measure, he thought that without adverting to higher considerations, but looking at the question merely in an economical point of view, it would not be a bad speculation for the country. He was satisfied that such a result would be worth twenty times the amount to the country. It would be idle and absurd for any man to say, that the peace of Ireland was not worth an infinitely greater price. If there was a chance, by adopting this measure, to secure that desirable result, surely 20,000*l.* a-year should not stand in their way.

Mr. *O'Connell* was satisfied that if there was a probability of producing peace in Ireland by the sacrifice of 20,000*l.*, no one would object to it, or to the sacrifice of ten times 20,000*l.*, a year. But would this plan produce peace in Ireland? He denied that there was the least probability of any such result. He did not object to the Motion in the hands of the Chairman, which in point of fact was merely the renewal of the 147th clause, and the object of which was, to put their hands into the pockets of the Church; and he thought the deeper they were in the better. To produce the pacification of Ireland they must altogether abolish ecclesiastical tithes in Ireland, and if they did not, it became a mere visionary dream to expect any beneficial result. They had formerly been told, that the relief that would be afforded to the Irish people by the removal of the vestry cess was at least 70,000*l.* a-year. The right hon. Gentleman, however, stated, that it was only 35,000*l.* Thus ten shillings in the pound was struck off at once. But was not the amount considerably more than 35,000*l.* a-year? There were 1,200 benefices in Ireland, and the salary of the parish clerk of each of them was to be paid out of the fund; but the whole amount of it would only pay 50*l.* a-year to the clerk of any alternate parish. In the parish of St. Peter, Dublin, the vestry cess was 1,500*l.* a-year; and in the parish of St. Thomas, it was 500*l.* a-year. The statement, then, of the right hon. Gentleman as to the amount of the fund was no more like the truth than that two and two made eighteen. It would be much better if the whole question were referred to a Committee up-stairs, where it could be put into such a form as to be made intelligible to the whole country. Was it well of the noble Lord to resort to the clap-trap that this proposition would promote the peace of Ireland? He would at once tell the noble Lord, that the Tithe Bill would involve the country in a war. He would vote for the proposition, however, as it was renewing the 147th clause of the Bill of last year, but it would cost the country at least 20,000*l.* a-year.

Colonel *Davies* would not hesitate to make a sacrifice calculated to promote the peace of Ireland; but would any man who understood the situation of that country believe, that it would not require a very different measure? They must look deeper for a remedy; for as long as the people of Ireland had to pay for a Church opposed to the religion they professed they never would have peace in Ireland. The House should be cautious before it acceded to the proposition. The noble Lord offered a security of 1,200,000*l.*, but he (Colonel Davies) wished to know when this was to be realized. If the right hon. Gentleman supposed that he could ever get 120,000*l.* a-year he was greatly mistaken. He was satisfied that the deficit to be made up would be at least 80,000*l.* a-year. He thought they were pursuing a most objectionable course.

Sir *Robert Peel* did not wish to debate the question at present, but he was anxious, before the Committee did so, that they should have an explicit statement of what was intended. If he understood his right hon. friend's statement, he estimated the maximum charge for commuting ecclesiastical tithes at 100,000*l.* a-year, and the maximum charge for commuting lay tithes at 20,000*l.* a-year; that was, a charge of 120,000*l.* a-year on the Consolidated Fund for ecclesiastical and lay tithes. The right hon. Gentleman calculated that the amount of the Perpetuity Purchase Fund would be 1,200,000*l.*; that 91,000*l.* a-year would arise from various sources of revenue under the Church Temporalities Act; that there was an annual charge on this of 66,000*l.*, thus leaving to him a surplus of 25,000*l.* The interest on the 1,200,000*l.* at 3½ per cent would be 44,000*l.* a-year. This sum added to 25,000*l.* would make up 67,000*l.* a-year, which was to make up for the money taken from the Consolidated Fund. The right hon. Gentleman calculated the maximum charge at 120,000*l.* a-year; and if he were not mistaken, the bonus on some lands was to be 40 per cent. [Mr. *Littleton* said, the bonus could not exceed forty per cent., nor be less than twenty per cent.] There was, however, no security whatever with respect to lay tithes; that, in point of fact, as had been stated by an hon. Member, although he could not say that he exactly understood the image, the security was chargeable on a vortex. The total loss that might be sustained, supposing, as had been anticipated by the right hon. Gentleman, that the deficit would be equivalent to the difference between 120,000*l.* and 67,000*l.*, would be 53,000*l.* This, then, was the probable charge that the Consolidated Fund would have to bear. He would not then go into the argument, but he wished to have the case clearly put before he proceeded. In his opinion, however, something more than this measure was necessary if it was to be what the right hon. Gentleman had described it, namely, a permanent settlement of the tithe question. The noble Lord, however, had stated, that hereafter they were to consider some better arrangement, so as to relieve the Consolidated Fund of this charge. Was it not absurd then to talk of a final settlement of the question when they were talking of future arrangements?

Mr. *David Roche* said, that for five years, at least, whatever it might do afterwards, the Bill could not possibly put an end to the tithe disturbances in Ireland.

Mr. *O'Reilly* did not intend to oppose the proposition, but he was satisfied that no such scheme as that before the House would produce peace in Ireland. When the Tithe Bill came under discussion he should propose a Resolution to the effect that peace could not be obtained in Ireland until they abolished the payment of tithes altogether. The right hon. Gentleman must admit, that until the landlord took the rent-charge upon him, there could not be tranquillity, and yet this was not to take place till 1839. The whole scheme appeared to him to be absurd. He had no objection to this country paying the tithes of Ireland if it pleased. If the Protestant Government and a Protestant Legislature chose to pay the amount out of the pockets of the people of this country, God forbid that he should interfere to prevent them; but they ought not to throw the burthen on his countrymen. In consequence of the situation in which he stood in that House, he never could invade this species of property; but he felt bound to declare, that until tithes were totally abolished, there would be no peace in Ireland.

Mr. *Stanley* said, he hardly knew whether that was the proper opportunity to enter upon a discussion of the principle of this measure. But the Resolution in the hands of the Chairman appeared to him to involve a question so important, that he thought it his duty, even in that preliminary stage of the proceeding, to state the objections which he had to it. If, however, the House signified to him, that that was not the fitting opportunity for the course which he meant to take, he would reserve his observations for another occasion; but otherwise he would take the liberty of stating the grounds on which he felt himself called upon to oppose these Resolutions, and to take the sense of the House, which he could assure the Committee he should do, from a sense of duty. He objected to the Resolutions in the Chairman's hands; but in stating the grounds on which his objections were founded, he gave his right hon. friend considerable advantage; for he did not object merely to the charge proposed to be made on the Consolidated Fund, but to the whole plan; and his objections embraced not only the two Resolutions before the House, but the whole plan, according to which the money was to be applied. He objected to these Resolutions, because they would not permit—because they were not only inconsistent, but at variance with—and because, in short, they would altogether prevent, at any future time, the accomplishment of that great principle which it had been the anxious desire of the Government, during the last three years, to establish—a principle which was the foundation of his right hon. friend's Bill, when it was first introduced,—namely, the extinction of tithes through the medium of redemption. It was this grand principle which should form the leading feature of any measure brought forward on this subject; and he objected to these Resolutions, conceiving them, as he did, to be nothing more nor less than the commencement of a system of plunder. He thought them, in the first place, highly impolitic; and in the next, flagrantly dishonest. He also objected to them, because the system of plunder which they contemplated was not palliated by any thing, either manly or straightforward, exhibiting all the timidity with not as much dexterity as a most unpractised shoplifter. His right hon. friend, he hoped, would excuse his using such a comparison; and, if the House did not think he was descending too low, he would say, that he had never witnessed anything like the principle on which the Government were proceeding in this instance, except among a class of persons who were not generally received into society, but who were commonly to be met with on race-courses and at country fairs, the instruments of whose calling were a small deal table and four or five thimbles. The skill of these persons was shewn, by a dexterous shifting of a pea, placing it first under one thimble, then under another, and calling on the by-standers to bet which thimble it was under. The deluded individuals who speculated on the manœuvres of the juggler being sure in the end to have their property taken from them, by means which they could not comprehend. So would it be in the present instance. The illustration was a low one; but he thought the House would agree with him in saying, that the self-same principle was observable in the tricks of the juggler, and in the plan which his right hon. friend and his Majesty's Ministers were now following. His right hon. friend had got the pocket of the Church, the pocket of the State, the pocket of the Landlord, the pocket of the Tenant, the Perpetuity Fund, and the Consolidated Fund, under his various thimbles, and these he shifted about from one thimble to another as he thought fit; at the same time that he called upon them to say, under which of the thimbles they were to be found, and kept exclaiming, "We have them under this thimble; oh, no! but they must be under that;" and as all the thimbles were taken up, it would be found, that the property had altogether disappeared, and the dupes would be laughed at. But the serious reason why he objected to the proposition which his right hon. friend had brought before the House, was, that it involved the total defeat of a principle which it had been the object of the Government for the last three or four years to carry into effect, and which everybody admitted to be of the utmost importance, namely, the gradual extinction of tithes by means of composition and redemption. The Committee would excuse him, if he recurred to transactions in which he had taken an active part, and spoke of himself and the views which he had always entertained on the subject, more perhaps, than in other circumstances would beseem him. He had the honour to be appointed to the office of Chief Secretary of State for Ireland, in the winter of 1830, and to hold that office down to the year 1833. At the period when he entered office, the opposition to the payment of tithes had commenced, and was subsequently carried to a considerable extent. The House must recollect the proceedings that took place in 1831, and that it was then impossible to direct the public attention to anything but that all-engrossing topic, the subject of Reform, which led to the dissolution of Parliament in the month of May. A few days ago he found the copy of a letter which he had addressed to his noble friend at the head of his Majesty's Government, in June 1831; and in that letter he had stated, that it was absolutely necessary to interpose the authority of the State to preserve from destruction a species of property which had been assailed not only by violence, but fraud. He further stated to his noble friend, in this communication, the difficulties which would arise from imposing on the police new duties,—duties that were not only invidious, but, generally speaking, unsuccessful, and calling out the military to meet the legal ingenuity of the opposite party. The certain result of such a system, he told his noble friend, would be an increased hatred to the Protestant Church, an increased irritation throughout the country, and a positive encouragement to those who objected to the payment of tithes to resist the law. He even ventured to recommend to his noble friend, that it would be expedient to effect an extinction of tithes by means of composition and redemption. He suggested that that might be accomplished by throwing the burthen prospectively—he said prospectively—upon the landlord, and bringing in a measure allowing the landlord to relieve himself from the burthen, by making a payment equivalent to a given number of years' purchase. He stated these facts to the Committee, in order to show, that at an early period of his official career, he had directed the attention of the Government not only to the evils that existed, but to the means by which he believed these evils might be remedied. Conformably to the recommendation which he had given to his noble friend at the head of the Government, what had been done? Why, at the commencement of the next Session, his Majesty, in a Speech from the Throne, recommended that Parliament should effect some improvement in the laws relating to tithes, and by that means afford the protection that was necessary for preserving the property of the Established Church, in order to remove the causes of complaint which then existed. His noble friend, the present Secretary of State for the Home Department, moved for a Committee in the other House of Parliament, conformable to the recommendation of the Crown; and he would beg the attention of hon. Gentlemen to the words which his noble friend used upon that occasion. His noble friend said,—"The Committee would have to consider, whether it would not be wise to contemplate some more comprehensive measure, the object of which should be to place the property of the Church upon a firmer basis, more advantageous to the Clergy, and less grievous to the people, by facilitating the redemption of tithes, and applying the produce, under whatever regulations might be deemed proper, to the maintenance of the ministers of religion." Such were then the views of his Majesty's Government on going into that Committee; and at that period, whatever other measures were contemplated, they looked to the total extinction of tithes by the means he had mentioned, as the only way in which the question could be satisfactorily and finally settled—as the only means by which the heartburnings and jealousy that existed could be effectually removed, and the Protestant religion independently and securely maintained, without shocking the feelings of the Catholic population of Ireland. These, he repeated, were the views with which the Government went into that Committee; and their object was not only to extend the principle of composition, but to lead, by reduction, to the final extinction of tithes. That Committee proposed (he referred to the second Report of the Committee on Tithes), that in all future leases the landlord should be made responsible for the payment of the tithe composition. They also thought it desirable, that while an additional obligation, if not a pecuniary burthen, was imposed on the landed proprietor, that Parliament should place an easy mode within his reach, by which he could facilitate his own relief. The Committee added, that, in their belief, the landlords generally, if favourable terms were offered to them, would gladly consent; and, indeed, if properly encouraged, would be anxious to render the annual charge on their estates a fixed money payment. The Committee went on to show the means by which tithes should in future be raised, and concluded by recommending that a Bill should be brought in for amending the provisions of the Tithe Composition Act, and to render the payment permanent and compulsory. The Committee also recommended the establishment of an ecclesiastical corporation, for the collection of the revenues of the Church; and that recommendation, he admitted, was carried into effect by the present measure, according to which those revenues were to be collected by the State. And, thirdly and lastly, they advised the conversion of tithe into land. These were the recommendations of the Committee of 1832; and what was the course pursued by the Government in 1833, when he was a member of it? Why, they endeavoured to remove the obstacles that were in the way of the grand principle which they had laid down for their own guidance, one by one, and to approach it gradually, and step by step. But if the Resolutions, moved by his right hon. friend, were adopted, what would be the consequence? Would they not defeat the whole course of policy which had been pursued by the Government, and prove that his Majesty's Ministers were now shrinking from a principle which they had formerly sanctioned? In 1833, the Committee must recollect, that the difficulty in the collection of tithes was so great, so insuperable, on the part of the unassisted Clergy, that, having established a system of compulsory composition, he, on the part of the Government, prevailed upon Parliament—but on the faith that substantive measures for putting an end to the question, would shortly be introduced—to grant the sum of one million for the purpose of paying the arrears of tithes owing down to 1834. This sum, he repeated, was granted in the confidence that measures would be brought forward, in 1834, finally to settle the question; but an alteration, not only of circumstances, but of principles, had since taken place, which left the question as far from being settled as ever. He would next shortly advert to the measures which had been brought forward for the composition of tithes, commencing with the Bill introduced in 1824 by the right hon. Gentleman (Mr. Goulburn) opposite, the member for the University of Cambridge. That Bill provided, that in all cases of future leases the landlord, and not the tenant, should be the party liable to pay the composition; and if it were paid by the tenant, he should be entitled to deduct the amount from his rent on producing the clergyman's receipt. This, however, had not the effect that was anticipated from it. Where the rent was 24*s*. the landlord covenanted with the tenant for the payment of 27*s*., but he never applied for more than 24*s*., leaving the 3*s*. which belonged to the clergyman in the hands of the tenant, as the production of the receipt was a matter of perfect indifference to him. The Legislature evidently intended to throw the whole burthen of the responsibility and pressure of the tithes on the landlord, and to leave him to make his own bargain with the tenant; but this, as he had stated, failed. In the Bill which he (Mr. Stanley) introduced two years ago, this same principle was carried still further. It was in that measure provided, that the composition should be recoverable, not from the tenant, but from the landlord, and from him alone. Now, a great portion of the land of Ireland was held by tenants-at-will, or from year to year; and it was further provided, that in all these cases the liability should attach to the landlord alone, and the effect of this arrangement had been to reduce the number of tithe-payers; so that in one district where it used to be from between 16,000 and 17,000, it was reduced to 9,500, and thereby, of course, greatly to facilitate the means of collection. Such was the state of things in November, 1833; and it would be recollected, that at the opening of the present Session, his Majesty in the Speech he delivered from the Throne said, 'I recommend to you the 'early consideration of such a final adjust'ment of the tithes in that part of the 'United Kingdom as may extinguish all 'just causes of complaint, without injury 'to the rights and property of any class 'of my subjects; or to any institution in 'Church or State.' These were the words put by the Government into his Majesty's mouth at the commencement of the present Session. And here was the principle on which the Government were bound to act. Here was the principle of the Bill which his right hon. friend had introduced, the Bill which he (Mr. Stanley) then held in his hand, but not the Bill which his right hon. friend now called upon them to sanction. Here was the principle of the Bill brought forward at the beginning of the Session; but not only had his right hon. friend thrown overboard the essential parts of that Bill, but introduced into it principles that were diametrically at variance with those with which he had set out. When his right hon. friend brought this subject forward in February last, he made a very clear statement to the House, much more clear and satisfactory than that which he had made on the present occasion. His right hon. friend then stated the measures which the Government intended to carry into effect, but he separated the question of appropriation from the other questions involved in the case, although he laid down the principle, as to whether, hereafter, the right of appropriation might not rest with the State. The right hon. Gentleman's own words were:—'Before he proceeded further, he 'would beg leave to caution hon. Mem'bers of all parties against admitting the 'impression on their minds, that the sub'ject involved in any respect the question 'of the appropriation of Church property. 'That was a question perfectly distinct 'from that which it was his duty to bring 'before the Committee. The question of 'appropriation of Church property had 'heretofore been the subject of parlia'mentary discussion, and might hereafter 'constitutionally become so again. He 'fully admitted that point, but he wished 'the Committee to understand, that the 'question it would have to consider was, 'how the property of the Church could 'best be realized unconnected with any 'considerations relative to its appropria'tion; in short the question which the 'Committee would have to consider was 'simply and entirely one of property, 'as much so as if it referred solely 'to the payment of rent. That this was 'the fact was abundantly proved by 'the fact, that the opposition to the payment of tithes the property of lay impropriators was as violent, if not more so, as that offered to the payment of those which belonged to the Church.' His right hon. friend went on to state the means by which this property was intended to be rescued. 'The great end and object,' he said, 'of the measure would be, to find out the means of effecting a practical commutation of tithes in the quickest possible manner into land, and the best way, in his opinion, to accomplish this would be to confer on that description of property now threatened with annihilation all the security which it was in the power of Parliament to confer upon it.' Such was the character of the measure which his right hon. friend said on the 20th of February it was the intention of the Government to introduce; but he should like to know how the present measure could give to tithe property "all the security which it was in the power of Parliament to confer upon it.?" This was a statement which his right hon. friend had made over and over again, but he (Mr. Stanley) had said, that the conduct of the landlords as to whether they would or not redeem their tithes would mainly depend on the course which the Government pursued. If they found the Government offered them favourable terms—if they found that it was the determination of the Government to vindicate the law in asserting their rights, as they were bound and ought to do, he had no doubt the landlords would co-operate with them; but if, on the contrary, they found the Government faltering in their purpose—if they found the Government shrinking from one measure, and taking up another, abandoning this principle and adopting that, not only would the landlords refuse to co-operate with the Government, but the Government must expect that their proceedings would not be sanctioned by the Members of that House. Those Members who had supported the Bill as it originally stood would not submit to the adoption of the present measure with the same sort of obedience; and therefore he asserted, that not only the landlords but the tenants, and indeed every man in the country, would despise a Government which exhibited such imbecility, and want of firmness of purpose. The main object of the Bill as it originally stood was composition and redemption with a view to the final extinction of tithes, and that, he contended, was the only honest mode of treating the question. Redemption with a view to that end was the principle on which the Bill was in the first instance framed, and it was that principle, and that principle alone, which palliated such an interference with the rights of property. But what became of that which was the main object of the Bill when the redemption clauses were struck out? They preserved all its unjust machinery, while they deprived it of its just object. But so recently as the 20th of February, his right hon. friend himself justified the principle of redemption which had been laid down, on the ground, that it was necessary for the State to take into its own hands the collection of this property, and that it ought, therefore, to be fairly compensated for the risk and expenses it might be put to on that account, provided no additional charge was to be thrown on the Consolidated Fund. But what was his right hon. friend's new scheme? Why, that the State should pay 120,000*l.* a-year to carry this measure into effect. His right hon. friend had, however, omitted to state how it was, that he expected to get back this money. Now, his right hon. friend told them, that if this sum were paid, the landlords would hereafter be induced to redeem their tithe. Would they? Let the House see how that matter stood. A deduction of twenty per cent was to be made from the tithe-owner to defray the expenses of collection, while the tithe-payer was to have a reduction of as much as forty per cent. Over and above the expenses of collection, there would be a difference of twenty per cent to come out of the Consolidated Fund, so as to make up the forty per cent to the landlord; but how was this deficiency to be made good to the State? Here, then, was one instance of his right hon. friend's thimble-shifting. [Mr. *Littleton:* Forty per cent will not have to be paid in all cases.] In all cases where they did not charge the landlord at the rate of seventeen years' purchase for his tithes, forty per cent would have to be paid. He would not say, that four-fifths might not be a fair proportion, or that where land sold at twenty years' purchase tithes should not sell at sixteen. His right hon. friend had said, that the average price of land in nineteen counties was twenty years' purchase, and the average price of tithes sixteen. But then it should be recollected, that in all these cases when the landlord failed, or did not choose to redeem his tithes within three years, he would have a permanent charge of three and a-half per cent upon the amount of the purchase money fixed upon his property. The right hon. Gentleman asserted, that the tithe-owner would get no more than 59*l.* 10*s.* for every 100*l.*, while the landowner was benefitted to the extent of forty per cent. [Mr. *Littleton :* Forty per cent was the utmost that would be allowed in any case.] Whenever the tithes sold for less than seventeen years' purchase, the tithe-owner, he repeated, would get only 59*l.* 10*s.* for each 100*l.*, although the benefit to the tithe-payer would exend to forty per cent, and therefore his right hon. friend need not tell him, that it was not intended to go beyond that point. In all cases where the tithes happened not to be worth seventeen years' purchase, he believed the advantage to the landlord would be full forty per cent. But he thought the Government would have done much better if they had gone straightforward, instead of adopting so circuitous a course—if they had at once declared, that they intended to give a bonus of one-fifth out of the property of the Church, and a second bonus of one-fifth out of the Consolidated Fund. Now if this was really what they meant, why did they not manfully say so? Why did they not at once go in a straightforward and candid manner to that which was their real purpose? In February last, his right hon. friend proposed to throw the whole burthen of tithes and their collection upon the landlord, and to give him the power of recovering the arrears; and to that he did not object, because the arrears being the property of the tithe-owner, if the landlord purchased the tithes, he would have a right to look to the tithe-payer. He fully agreed to all which his right hon. friend had stated in February. But surely he had a right to ask his right hon. friend, why that which was expedient on the 20th of February, should be inexpedient on the 4th of July. Why, when they charged the landlord with all the difficulties of collecting the tithes, did his right hon. friend not also give him the right of recovering the expenses to which he might be put in their collection from his tenants? The very least that could be done for the landlord, if the burthen must be thrown upon him, was to give him the power of conferring an act of grace on his tenants, by foregoing what were his undoubted legal rights, instead of wresting them from him by the force of an Act of Parliament. But, said his right hon. friend, in another part of his speech, redemption of the rent-charge may take place hereafter. Now, what was meant by that? If he were to be guided by the language of the Bill, as it now stood, he should say, that it was definite and positive—its terms precluded the possibility of any redemption taking place after the expiration of the five years. But if it were intended to make this question of redemption the burthen of some future Bill, why had his right hon. friend shrunk from openly declaring as much? Why did the Government, too, instead of pretending to have finally settled the question of redemption, say fairly and outright: "We have not abandoned it; we have merely postponed it for some future period?" And if they had not abandoned it, why not in the mean time give the landlord the power of recovering the whole of his legal tithes, arrears, expenses and all? Look at the position in which the landlord in many instances would be placed. His tithes were calculated at three and a-half per cent interest on the capital necessary for their redemption, and in many instances the landholder, having mortgaged his estates, would have to borrow more money at five per cent, in order to pay it again at three and a-half. Now, this would be found a matter not of impracticability, but of impossibility. Then, again, as to the lay impropriators. Suppose, what was a very possible case, that the estate of one of these were mortgaged up to its whole value to some Jew, and that the owner was unable to make any further effort to redeem his land from the tithe-rent charge, would not the Catholic tenant have the same right to assert the scruples of conscience towards his mortgagee that he does now towards the Protestant clergy, and to say, I cannot pay you the amount of your tithes, because I do not know but that you may apply them to the building of a synagogue? Would this be deemed a sufficient excuse for him to go to the Government, and to demand of them the amount? Besides, what right had the Government to charge the amount of the difference between the sum received by the landholder, and that fairly due to the Church, on the Consolidated Fund?

This charge, be it borne in mind, was to be, not a temporary, but a lasting burthen on the country. But what he most desired was, to hear the Government speak out as to their intentions. The Perpetuity Fund had, by the Bill of last year, been permanently awarded as property available for the purposes of the Church only; and he did not think it possible for the Government to act otherwise with the surplus, if any should be found to exist. His noble friend (the Chancellor of the Exchequer) had in relation to this question, dropped some ominous and significant words, implying, that if the Perpetuity Fund should not be found sufficient for the purposes to which it was to be applied they must have recourse to some other funds. It appeared to him, then, that the Church property was to be applied, not for the spiritual edification of the people, as his noble friend the member for Yorkshire had expressed it—but to be given as a boon in the shape of twenty per cent to induce landlords to take upon themselves the payment of tithe. What was the amount of the fund at present? At the most it was 60,000*l.*, and for that paltry sum, they were about to commit this petty larceny—which had not the boldness or the openness of a robbery, though the amount was so insignificant. As to the pretence, that the object altered the character of the act, it was just as if a highwayman stopped him upon the road, and, putting a pistol to his breast, said, "Give me your money; you have too much, and it is tempting, and to give it up will greatly increase the security of your life." Just so his right hon. friend had told them, and he had given them no other reason, that the property of the Church was to be taken from it to make it more secure, and he would just as soon trust the one party as the other. Nay, he would go further—he would trust the highwayman with his life; but, after the Government had once laid their hands upon this fund he would not trust them to protect the remaining property of the Church. His right hon. friend would gain from this 60,000*l.* a revenue of some 3,000*l.* a year, and upon this security he called upon the House to advance 100,000*l.* Let him, therefore, again ask whether it was his right hon. friend's intention to apply the whole surplus to the purpose of supplying the deficiency in the perpetuity fund; and if the Government had made up their mind on this point, as it was most essential they should do, and indeed most probably had done, let them tell the Parliament and the country so, and let them boldly avow the grounds upon which they stood. If they had made up their minds—if they were determined to act as he had here supposed it probable they would, let him implore them as they valued the peace and tranquillity of Ireland—as they would avoid the further scenes of violence, perhaps, indeed, but too likely of bloodshed, in that country, to revoke the miserable abortion of a Commission which they had issued. He called it a miserable abortion, because it was begotten, conceived, and brought to light within one short week. Not that he meant to deny that such an idea was started some four or five months ago [*loud cheers*]; but this he meant to say, and he called upon those who cheered so loudly to deny it if they could, that from the moment the idea of a Commission was started, up to the very hour of his secession from the Ministry, it had never been made the subject of discussion in the Cabinet. On the contrary, the Cabinet repudiated the idea as vicious in principle, and because also it was there thought that the country would not be satisfied with such a Commission and would not accept of it. He, therefore, would repeat his assertion, that the Commission was an abortion—

> "Deformed, unfinished, sent before its time
> Into this breathing world, scarce half made up,
> And that so lamely and unfashionable,
> That dogs bark at it as it halts them by."

And he firmly believed that it was a mere miserable expedient resorted to by the Government, for the sole purpose of avoiding to assert the principle of the hon. member for St. Alban's Motion. He said this from no motives of hostility towards his right hon. and noble friends (his late colleagues), but he felt bound to declare on the part of his noble and right hon. friends who had seceded with him on this question from the Government, that they had never, in any way, directly or indirectly, or by implication, given their slightest consent or approval to such a Commission. He now called upon the Government to say whether this Perpetuity Fund was to be viewed in a different light from the rest of the Church property, or whether it was to be understood that the mode of dealing with it was to be applied to the rest? He asked of them from what sources they meant to make good the deficiencies in the payments, if the Perpetuity Fund should be insufficient to cover them? He asked them whether, if without sending out their Commissioners, they had determined upon giving a reduction of forty per cent to the landlord, it was necessary for them afterwards to institute the inquiry whether they had any surplus or not? Had they not evidently made up their minds upon what they meant to do? And if they had—and he would rather hear them avow it if it were so, than have the question left in its present doubtful state—let them recal the Commission and abandon at once a measure which, in this country, was only a subject of ridicule, and in Ireland he feared would be looked upon with serious feelings of abhorrence. He made this call upon the Government, in a strong belief of the inexpediency and injustice of this robbery, as he conceived it to be, this confiscation of property, without the prospect of any one compensatory result. It was impossible that the measure could lead, as had been stated by his right hon. friend, to an adjustment of the question of tithes; it was not a measure of that character, but merely one for tiding over the present Session, leaving the main question just where it was, with this difference, indeed, that they would have added an act of gratuitous and useless confiscation to its other embarrassments. Before they did this, he wished to call their attention to the solemn warning given upon this subject, by a noble and learned Lord in another place. He did not mean the noble and learned Lord, the Lord Chancellor of England, although he had stated in his place that the clergy were co-partners with the landlord, and had as good a right to their one-tenth as he to the other nine. He meant to refer to the language of another noble and learned Lord, holding a high official situation in Ireland, and who, by reason of his office, must be still presumed to be consulted by his Majesty's Ministers with regard to the measures affecting that country. In 1824, that noble and learned Lord (Lord Plunkett) stated in his place in Parliament—'That the property of the 'Church might not be interfered with, as 'well as the property of the State, in a 'case of public necessity, he would not 'assert; but be it observed, that upon the 'same principle, the private property of 'every man in the kingdom, was equally 'liable. He knew very well that both the 'property of the Church, and the property 'of individuals, must yield to the exigencies of the State; to those exigencies the 'property of the hon. Gentleman himself, 'as well as that of every other Member 'who heard him, must give way; but he 'would maintain, that the property of the 'Church was as sacred as any other; and 'he must again repeat, that to take away 'the ancient rights of one class to give 'them to another, could not be deemed 'anything else but spoliation. If they 'began with the Church, let the land- 'owner look to himself, and let the fund- 'holder also take care of himself, as he 'lay even more conveniently than the 'landowner. With respect to the Pro- 'testant establishment of the country, he 'considered it necessary for the security 'of all property. He thought that there 'should not only be an Established Church, 'but that it should be richly endowed; 'and that its dignitaries should be enabled 'to take their stations in society' [*Hear!*] He (Mr. Stanley) was glad to hear that cheer, and especially from the hon. member for St. Alban's, because he hoped that he concurred in the Lord Chancellor of Ireland's opinion, 'that its dignitaries' Lord Plunkett continued, 'should be en- 'abled to take their stations in society 'with the nobles of the land. But, 'speaking of it in a political point of view, 'he had no hesitation to state, that the 'existence of the Protestant establish- 'ment was the great bond of union between 'the two countries; and if ever that 'unfortunate moment should arrive, when 'they should rashly lay their hands upon 'the property of the Church, to rob it of 'its rights, that moment would seal the 'doom of, and separate the connexion, 'between the two countries.'* He called the attention of Ministers to that as a warning. He repeated, too, in the language of Lord Plunkett, that if ever the unfortunate moment should arrive at which the Legislature should rashly lay its hands upon the property of the Church, that moment would seal the doom of the Union, and terminate for ever the connection between the two countries. That noble and learned Lord the Government must still consult upon such measures as this, and he must be placed by them in an embarrassing position, particularly if he should be called upon to reconcile the present principles of the Government with those which he advanced in 1824. He concurred with the noble and learned Lord's opinions and principles in 1824. He concurred in them still, and he believed with that noble Lord, that to apply to Church property the principles of the present measures, and so to make distinctions between it and all other species of property, was confiscation and spoliation, and nothing else. Believing this, and believing the measure calculated to produce no compensation for the violence so done to the rights of property in restoring the peace of Ireland, and feeling that it was a departure from the principles which the Ministers had professed, and which he had, up to a recent period, assisted in carrying into effect, for all these reasons he should certainly feel it his duty to take the sense of the Committee upon the resolutions now moved by his right hon. friend.

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* Hansard (new series) xi. p. 574.

Lord *Althorp* was not at all surprised at the cheers from the opposite side of the House, which followed the speech of his right hon. friend, as that speech had verified all the anticipations he ever had formed of his right hon. friend, when speaking from that Bench. He was sure that when he came to speak on the side of the Opposition — when, indeed, he became a leading Opposition speaker, that his right hon. friend's genius would have fair play, and he would not confine himself to the cautious and measured diction with which Ministers were compelled to be familiar. He found very strong terms at the commencement of his right hon. friend's speech — "imbecility," "timidity," "robbery," "spoliation," were some of the mildest phrases that were employed; these were good opposition expressions, and his right hon. friend had made a regular opposition speech. But he should have to take some notice of his right hon. friend's argument, and leave his declamation. For his own part, he believed that his right hon. friend's measures for the pacification of Ireland while he was in office, were wise, but, unfortunately, they were applied some years too late; if they had been tried several years ago, he believed they would have been successful; but while he acknowledged this, he could not congratulate his right hon. friend on the success with which his measures were attended. If he found that, instead of producing peace, which was their object, those measures had left the country just in the same condition in which they found it, he did not think the House would feel itself justified in considering it as a fatal objection to any other measures which might be proposed, that they were not consistent with the principle on which his right hon. friend's measures had rested. His right hon. friend had said, that the object of all the measures which the Government had hitherto adopted in Ireland, was the extinction of tithes by a commutation of tithes into land. Undoubtedly that was an object with them; but another and a more immediate object with them, was always that of relieving the occupying tenant from the payment of tithes, and to fix it upon the owner of the land at the earliest possible period. In that respect he contended that the measure now before the House, did not differ from the principle upon which they and his right hon. friend had always acted. His right hon. friend said, that they had introduced a new principle in substituting the rent charge, and to a certain extent he admitted that they had. The question which was pressed upon them, however, was, whether so large an amount of landed property as the conversion of tithes would create, ought to be placed in the hands of the clergy? He was of opinion that the influence they would possess as the owners of so much land would not be desirable. The change now proposed would remove that objection, and also at the same time destroy the motive for resistance to the payment of the clergy on the part of the occupier. The great principle kept in view was, to convert the tithe into a rent-charge upon landlords as soon as possible; and this was the reason why those landlords were offered liberal terms on condition of anticipating the period of five years; not that he by any means considered those terms too high, considering the security it would afford the Church, and the peace it would give to Ireland. He was not sure, that the effect of leaving the case as it originally stood, would not have been to endanger, to a greater extent than it would be endangered by the proposed arrangement, the landlord's rent; because the occupying tenant might not only suppose, that part of the rent he was called on to pay was charged with a view to tithes, but that the landlords had been making bargains for themselves, of which they alone would reap the advantage. He much doubted if that feeling would have tended to the security of rents in Ireland. His right hon. friend then spoke of the lay tithes, and said, that they were nothing more than mortgage on land. They were, no doubt, a mortgage on the land, but a mortgage of a peculiar nature. The produce was collected, be it remembered, by taking, not from the owner of the land in the first instance, but from the occupier of the land. Did his right hon. friend mean to say, that there was as much danger and difficulty—that there was as much chance of exciting tumult in endeavouring to recover the interest of a mortgage as there was in attempting to recover tithes. His right hon. friend then spoke to the principle of the measure, and he asked to what conclusion they were to come with regard to the Perpetuity Fund; he asked his Majesty's Ministers whether in the measure which they now brought forward, he was to consider that the Perpetuity Fund stood on precisely the same footing as the rest of the funds to be submitted to the Ecclesiastical Commission, or on a different footing. He thought, that in some respects, it was a different fund. Unquestionably his right hon. friend had a right to urge, that in the Bill of last year it was treated as an essentially different fund. He would admit, for the sake of argument, that the Perpetuity Fund, as decided by the Church Temporalities Act of last year, stood on different ground; but still, though it was Ecclesiastical property, it never had been the property of any individuals in the Church, or of any Corporation in the Church. When Gentlemen were ready to exchange from one Corporation to another, property belonging to such Corporation—and he believed there was not a Gentleman in the House who objected to such a change—he did not see on what principle it could be said to be spoliation and plunder to change property (not from one Corporation, because the Church was not a single Corporation) from a mass of Corporations, and apply it to another purpose. Moral and religious instruction were the purposes to which they intended to apply the money; and he would say, that if, by doing this, they gave greater security to Church-property —if by doing this, they facilitated the collection of Church-property, he did not see that in taking that step, they were going so entirely away from the protection of Church-property as his right hon. friend seemed to imagine. His right hon. friend said, that he had thrown out some strong words on the subject. What he meant to declare was, that this inquiry was to be gone into to see whether the amount of the revenues was more than was required by the Church of Ireland, and if the report which was the result of this inquiry should prove, that there was a surplus, certainly, according to all the doctrines he had ever held in that House, or elsewhere, it would be in the power of Parliament to decide in what manner the surplus should be applied. He did not wish to conceal his sentiments on this subject. He had no hesitation in admitting, should gentlemen force the question, that if by appropriating the Perpetuity Fund, as they were now doing, in the measure before the House, they were bringing the question of appropriation to issue, he had no objection to put the question on that issue. His right hon. friend, referring to the Ecclesiastical Commission, spoke of it as if he had never heard of one before. He was surprised at his right hon. friend giving so short a gestation to that Commission, because he should have thought that it had gone its full time. He was at all events sure, that the idea of instituting such an inquiry, could not have been new to his right hon. friend—that he could not have been much surprised that on his retirement from office, such a measure had been adopted. In making these observations, however, he was prepared to confirm the statement of his right hon. friend—though he was not aware that any one had asserted or insinuated anything to the contrary of either his right hon. friend, the right hon. Baronet near him, or his noble friends who had retired from the Administration—that they had never given their consent to take the question into their serious consideration. He (Lord Althorp) was quite ready to state, if any such insinuation had been, or were made, that it was entirely without foundation. His right hon. friend required that the effect of this measure should be a permanent change, and he objected to charging such a sum as this on the Consolidated Fund. He (Lord Althorp) admitted, that it was a question for the House, seriously to consider whether the case were made out, and the proposition now submitted to them were such as would justify them in making this charge on that fund. His right hon. friend seemed to think, that the whole of the charge on the Consolidated Fund could never be got back. He (Lord Althorp) entertained a different opinion; but he would say, that if it amounted to from 50,000*l.* to 60,000*l.* a-year, and it could equal that amount only in case of the landlords of Ireland generally taking on themselves the payment of tithes in place of the occupying tenantry throughout Ireland, who would thus be relieved from an impost which had been vexatious to them in every way in which an impost could be vexatious—which had produced discontent, crime, and, in short, every species of social calamity—if, he repeated, the effect of this measure should be, by placing these charges on the revenue of the country, to induce the landlords to take on themselves the payment of the tithes, the money would be well laid out for the country. His right hon. friend asserted, that the measure would not give peace to Ireland; but he would say, that if the tithes were paid by the landlords instead of by the occupying tenantry, by a rent-charge instead of by collection as heretofore, as far as he could reason from any experience that he had, he did think that it would give a better chance of tranquillity to that country than any other measure. All he wished to urge on the Committee was, that the chance of producing tranquillity by such a measure was very great, and he hoped that they would therefore think it worth while to agree to the Resolution proposed.

Mr. *Hume* said, he found himself in an uncomfortable position. He should be sorry to be obliged to vote with the right hon. Gentleman (Mr. Stanley) on this occasion, because he did not fully concur with him in any one of the propositions he had put forth. Yet he felt that it would be easier for him to support the right hon. Gentleman than to go along with the noble Lords, and the right hon. Gentlemen opposite. He was sure, that a number of those around him must share in this feeling. He could not believe, that any of those hon. Members who had voted for the Motion of the hon. member for St. Alban's (Mr. Ward) would feel disposed to support the Resolution of the right hon. Secretary. Holding the opinions that he did, he would accordingly make a proposition in relation to his own views and impressions on the subject, and he did not suppose that that class of hon. Members to which he had alluded would dissent from it. They would by it alike be saved from the necessity of voting with the late right hon. Secretary for the Colonies, or still worse, with the right hon. Gentleman, the present Secretary for Ireland. He would do the hon. Gentlemen near him the justice to say, that they had been at least consistent. They had objected to any interference with Church-property, and they did so still. But to one individual holding a distinguished appointment in connexion with the present Government, he could not accord similar praise. That individual had, in former times, denounced, as contemplating spoliation and robbery, the very principle which characterized the Bill now recommended by his Majesty's Ministers. He had no hesitation in saying, that a person who had so committed himself, if he continued his connection with the Government, must either recant or be disgraced for ever. They ought to know what was meant by such conduct; they ought to know how it was, that Lord Plunkett now sanctioned the principle which he called robbery in 1824. He was in that year told by the noble Lord, that he and all who advocated his Motion must be prepared to part with their property—to submit to its being plundered from them, as they would plunder the property of the Church. Seeing the difficulties into which persons got by inconsistency, it behoved the House to be particularly careful, that they were not hereafter betrayed into the same inconsistency with the noble and learned Lord, by now agreeing to the Resolution. That Resolution declared, that at all hazards, the deficit was to be made up, and this would amount to at least 50,000*l.* annually. He, for one, could not agree to this vote, because he considered that it pledged the House to the maintenance of the Church Establishment in its present position, so far at least as the collection of tithes went. The noble Lord, in his first speech had alluded to satisfactory arrangements with respect to Church property. But if he really had any in view, why did he not declare them? It would be a matter of prudence so far as regarded the Ministry, and of kindness so far as individuals were concerned, if he would only state in a straight forward manner what he really meant, so many hon. Members were then in that House willing to support the Government of the noble Lord, if they could do so conscientiously; but, in truth, not knowing where they stood. In his opinion, the Ministry ought either to agree with the right hon. Gentleman (Mr. Stanley), and maintain that Church-property ought not to be touched at all, or else they should at once manfully declare, that it was to be freely dealt with. Let them no longer be beating about the bush. The people were quite tired of it. At all events, he trusted that the House would set the Ministers an example of firmness and determination. The House, indeed, was soft and foolish in giving a million last year; but let them be warned by their error, and proceed no further. The deficit they were now called upon to make good would consume a capital of two millions more. And was not this, he asked, most monstrous, when they considered that the Church of Ireland already possessed funds which were amply sufficient for its own support? He lamented the blindness of Ministers. He was much astonished that long experience did not teach men things that after all were perfectly obvious. On that side of the House, they saw clear enough. Perhaps it was, that when men found themselves upon those benches opposite, there was something there which deprived them of vision. They could not see what other persons saw. They could not see what even they themselves saw when they were at his side of the House. He would say to Government, let them honestly proceed with the commutation of tithes in Ireland, and then he, for one, would be ready to vote for making up any deficiency which might exist, after the appropriation of the proceeds from the Perpetuity Purchase Fund. If, however, Government should, on the contrary, persist in their present course, he could only say, that he considered it a premium held out to the people of England to refuse the payment of tithes. The fact was, he believed, the Government was yielding to intimidation, and he could only assure them, that as long as they were weakly, pusillanimously, subservient, so long would they be loaded, like asses, and compelled to bear the burthen. He believed, in his conscience, that the Government were frightened at the hon. Gentleman near him. And for his own part he did not wonder at it. He must say, however, that he believed the whole matter would have been over if the Government had agreed to the proposition of the hon. member for St. Alban's. To relieve himself from the difficulty in which he was placed, he intended to move an amendment which he would read to the House: 'That it is 'the opinion of this Committee, that the 'surplus monies to the credit of the Ecclesiastical Commissioners for Ireland 'in the Perpetuity Purchase Fund to be 'kept by the said Ecclesiastical Commissioners, pursuant to the provisions of an 'Act passed in the last Session of Parliament, intituled, "An Act to alter and 'amend the laws relating to the Temporalities of the Church of Ireland," shall 'be applicable to such purposes for the adjustment and settlement of tithes in Ireland, as shall by any Act to be passed 'during the present Session of Parliament, 'be provided.' This, in effect, would be restoring the 147th Clause, placing the Bill on the same footing on which it formerly stood, and making it conformable to the declarations of the noble Lord. He would remind the noble Lord that he stood pledged to give relief to the Dissenters. It was very well known, that the noble Lord offered a measure of relief to that numerous and influential body, to the amount of 250,000*l.* a-year, which, however, they had repudiated as unsatisfactory and insufficient; was it, then, to be supposed that they would tolerate an additional burthen for the support of this sinecure Church? He implored the Government to take heart at length, and to pursue a manly and straightforward course; if they only knew how many there were in the House anxious to support them if they pursued such a course, they would feel that they had nothing to fear; but if they chose to lean one day upon Tory support, and another upon their ancient character and professions, they would find themselves in the end distrusted and abandoned by all parties. The hon. Gentleman concluded by moving the Amendment which he had previously read.

Mr. *O'Connell* was not much struck by the arguments of the noble Lord; but he was by one of his assertions, in which he stated, that whoever voted for the Resolution of the right hon. Gentleman would pledge himself to the appropriation by Parliament of the Ecclesiastical Fund, If the noble Lord came forward now to give them to understand that he would pass the Resolution of the hon. member for St. Alban's, or if, in a more mitigated shape, he would pass the Resolution that had been lately proposed by him, then the noble Lord's principle would be intelligible, and he should, with the greatest pleasure, give his support to the Resolution before the Committee. But why, if they were to pledge themselves to that effect, was not the principle at once broadly laid down. They had had enough of pledges that were no pledges. Their reliance ought to be not on a mere opinion of the Ministry, but on solemn records of this House. The noble Lord, with the complacency and good humour which became him, remarked on the boast of the right hon. Gentleman, the late Colonial Secretary, as to his measures for Ireland. That Gentleman certainly took credit to himself for the purity of his intentions; and he did not deny that they were pure. But as certainly the right hon. Gentleman was liable to the taunt that his measures were not successful. He might be told, that he found Ireland in a disturbed state, and he left it in a worse; that with all his good intentions, he neither subdued dissension, nor contented himself with enforcing the law as it existed; but got from this House a most unconstitutional, and an almost unlimited, power. The noble Lord—who, if he did not equal the right hon. Gentleman in oratorical display, exceeded him in good temper—if he had wished to retaliate the smart attack made on him by the right hon. Gentleman, an attack not over considerate for right hon. friends—might have insisted with some strength, that when an appeal was made to the House to spare the people of Ireland the mischief which would result from the measure, to avoid the heart-burning and dissension—nay, the crime and bloodshed—which it would give rise to; the noble Lord, he repeated, might have retaliated on the right hon. Gentleman who made this forcible appeal, by reminding him that in his time dissensions, and heart-burning and crime existed—aye, and rivers of blood, too, flowed—and he neither succeeded in suppressing the one, nor in arresting the tide of the other. This being the fact, had not the noble Lord a right to say to the right hon. Gentleman, that as he found the experiment was a bad one, he would give it up at once and for ever—he would alter the system totally? Government had failed to show, that the alterations which were to be effected by the proposed measure had anything in them calculated to benefit in any way the people of Ireland. When they condemned the failure of the late Secretary for the Colonies, why not try and adopt some means of amending what they deemed bad in his system? Why not endeavour to bring forward some measure which would really and substantially satisfy Ireland? The measures proposed by that Gentleman were only such as were calculated to satisfy his cheerers—such as would satisfy the Orangemen of Ireland, giving them dominion by day and rule by night. It was odd that the right hon. Gentleman should be so anxious to give satisfaction to those whom he had formerly characterized as the contemptible remnant of a broken faction; but it was owing, perhaps, to the circumstance of their being now converted into his admiring cheerers. Government could not succeed in their efforts with respect to this measure. They did not take up the subject in the manner in which they should take it up, and give the right direction to this property. It had been made an argument, that any measure affecting the Church property would eventually lead to a Repeal of the Union. To leave unredressed the evils of Ireland was the way to hasten that event so much dreaded now by the father of the Hannibals, who had in former times pledged himself by a vow as unalterable as the laws of the Medes and Persians, to leave no effort untried to undo the measure of the Union; who not only vowed himself, but ended by pledging himself, to swear to the same efforts at the altar of his country every son of his begotten or to be begot—and evinced a disposition to endeavour to fulfil the pledge whether the contemplated issue were an abortion or came to its full time. The hon. member for Middlesex need not dread for a moment that any measure which might pass that House would hazard the loss of the excellent Chancellor for Ireland. The hon. Member might rest satisfied, that of the five-and-fifty offices possessed by the family of that noble Lord, all would still continue to be held even although the dreaded spoliation of the Church should go on. But what was this spoliation which was so insisted on? If transfer were spoliation, by what title, he should like to know, did the Established Church lay claim to this property? Let them beware how they taught, that transfer was spoliation. Their title to the property was found in the Acts of Parliament, a good and sufficient title which none would dispute. Though a transfer had taken place, it was not spoliation, it was the law of the land, but it was a law like every other law, capable of alteration. Formerly this property was held by the performance of some service. Every grant made to the Church by the heads of families was, with the provision that a certain number of masses should be said or a certain number of prayers offered up either for a certain time or for ever, and the performance of these services was the title by which the property was held. But these services were not now performed—there were no masses said—no prayers offered up—souls were now left to shift for themselves; no value was given, and those who had enjoyed the advantage of the former transfer now turned round, and after a century of civil war which followed upon that transfer, dared the House to touch this property unless they meant to set an example of spoliation and plunder. The right hon. Gentleman had spoken of the thimble rig, but in his (Mr. O'Connell's) opinion the thimble rig was at the other side, and these things were more properly to be found at the Derby. Such legislation as the right hon. Gentleman proposed on this subject would suit the show-box, and the race-ground, and black-legs, but faded into unintelligibility before the light of common honesty and just intention. Who were they that received the tithes in England? Why, the clergy of the people of England. Who were they who enjoyed the Church revenue of Scotland? The clergy of the people of Scotland. Did any one believe that, if it were proposed in England to give to the Catholic clergy of England—the Catholics being about one-sixteenth of the nation—the property now possessed by the Establishment, that the people would agree to it? Would the House agree to it? Would the right hon. Gentleman (Mr. Stanley) agree to it? If last year such an Act had been proposed, would not the right hon. Gentleman have been the first to oppose the handing over the property from those who were really the clergy of the people to those who were not? The principle which he contended for was recognized in Scotland, but they compelled that recognition by force. There was no begging, or petitioning, or cajolling of right hon. friends. They argued the question with the broadsword—they urged it with its edge—they garrisoned themselves in the mountain fastnesses, and, after fighting for fifty years, they happily succeeded in what is now called spoliation. They succeeded in making a transfer of the property, not to the clergy of the Protestant Church, not to the clergy of the Catholic, but to the clergy of a new Church, the Church of Scotland; and properly was it so transferred, for that was the Church of the people. Whilst this struggle lasted what was the consequence; Scotland, instead of adding strength to the empire as at present, was then the weakness of England. The countries at war with Great Britain speculated on her disaffection; every invasion which threatened was directed to that quarter of the empire, and the Throne itself was insecure whilst her wrongs remained unredressed. When the cause of dissatisfaction was removed, how different was the state of things? Scotland, instead of being the weakness, became the strength, the ornament of, and added dignity to the empire. They had satisfied the demands of the country, they had done her justice, they adopted the religion of the people as the religion of the State. He did not ask so much for Ireland. Indeed, when he had formerly suggested that a portion of this property in Ireland should go to maintain those who ministered to the religious wants of the great body of the people in that country, the proposition had been disclaimed by millions of voices there, and he himself had been blamed for having made it. He had received many communications on the subject, all rejecting such a proposition; but they were unanimous in desiring that the burthen should be lightened; and unless some means were taken to effect that, they never could hope to establish peace in the land. To decide upon what should be done in reference to this subject, there was no necessity of issuing a rambling Commission. All that was necessary to be known could be ascertained in the space of eight-and-forty hours. Let them go upon the plain principle, that where there was no flock to preside over, and no services to be performed, there should be no revenue. Let there be at once some sweeping and beneficial change made, so as to bring the institutions of the State into harmony with the people, and then Government might be proud of their success. Let them not continue to bring forward unmeaning and unintelligible propositions—unsatisfactory and neutral measures, which were neither one thing nor the other. Let them not keep the public in the present state of suspense, but propose something intelligible, and in which the people could confide. There was no necessity for the Commission to enable Government to decide upon what it ought to do. Let them take the statement of the hon. Member for the University of Dublin, who might be said to be the advocate of the clergy. Let them take his word, in the belief that he would neither exaggerate nor diminish. Take the sum mentioned by that hon. Gentleman, and then apply the plan which he (Mr. O'Connell) proposed. Where one-fourth of the inhabitants were of the Establishment, let the living be continued, where it was not so much, let the living be done away with; add the property to the receipts of the Exchequer, and let incumbents be paid by an issue of Exchequer Bills. Let such a course as this be adopted, and it would at once and for ever extinguish the heart-burnings which must otherwise continue in Ireland, whilst, at the same time, it would make proper provision for the religious instruction of the members of the Establishment. If Ministers undertook some such plain, and intelligible measure as that, the House would support them in it, or if obstacles were thrown in the way, they would be supported from without by the voice and the confidence of the people. If, in endeavouring to carry such a project into effect, they should be driven from their station, it would be but for a season. They would shortly be borne back on the shoulders of the people, and supported by a principle maintained and established by the consent of every rational being in the empire. Then they would enjoy in Ireland that peace which England did not know until the religion of the country was consonant with the opinions of the great bulk of the people, which Scotland only exhibited when her clergy were identified and combined with the population, and which never could be known in Ireland until her present grievous and harassing oppressions were removed.

Mr. *Lefroy* said, the magnitude of the interests involved in the present question, and the results which would flow from it, if carried, were partly the reasons why he offered a few observations to the House. He could not accede to the doctrines and theories laid down by the Government, or by the hon. member for Dublin; for both parties rested their arguments on a fallacious principle, and their observations tended to delude the public, while they struck at the foundation of the Church Establishment, the most venerated of our institutions, the one that was most closely linked with the preservation of the whole scheme of our Constitution. The hon. member for Dublin might speak for that section of the Irish people of whose opinions he was the Representative; but he could not speak for the influence, the rank, the wealth, and the independence of the Irish Protestants, who, it would no doubt be allowed, should be taken into the account in any estimate of the people of Ireland; but, above all, he could not speak for the people of England —who were bound to the English Protestant Establishment by the ties of reverence and duty, and by their deep and fixed conviction of its paramount utility and purity of faith; an Establishment of which the Irish Church was at once the associate and the offspring. Did the hon. Member think, that the Irish Protestants or the English people would support his attempts at the destruction of their religious Establishment? Did he expect they would echo his cry of spoliation?—Let the hon. Member disguise his designs as he would, the Protestant people would see through the thin veil. The object was spoliation, and that they never would consent to. The hon. Member, whom he would meet on the principle of law, had mis-stated the title of Church property.—The sophistries of the hon. Member should not be mistaken for maxims, and his deductions were liable to the same objections as the principles he laid down. The hon. Member stated, that the present property of the Protestant Church was a transfer from the Catholic Church by a simple Act of Parliament; and was, therefore, revokable by an Act of Parliament. Now, that was a doctrine the truth of which he would, unhesitatingly, deny. That property stood on the same foundation as that of the Church of England, for both Churches were based on the same principle, and their rights were coequal. In both countries, it was an endowment for that which was, at the time, the religion of the State, and accordingly these endowments contained no less in England than in Ireland, conditions connected with the Roman Catholic religion. But, when the Legislature thought fit to adopt the reformed religion (and could their right be doubted?) the property of the Church followed, as an incident to the religion of the State. It had always belonged to it, and never yet had been severed from it in either country. The hon. and learned Member asked, who had the property of the Church in England? and his answer was the clergy of the people of England. He, also, asked who had the property of the Church in Scotland? and the reply which he gave was the clergy of the people of Scotland. He had no objection to follow up the question with respect to Ireland, and to the question "of who had the property of the Church in Ireland?" he would reply, the clergy of those who owned the property of that country, and who substantially paid the tithe. When the House was told, that the Roman Catholics of Ireland paid the tithes, it was a mere fallacy. How was it possible that could be the case, when they were not the proprietors of the land? It was the proprietors of the soil upon whom the burthen really fell, and this was the ground upon which, in the Report of the Tithe Committee, in 1832, to which the present Secretary for Ireland was a party, they justified the measure of charging the tithes upon the landlords of Ireland, as they in general belonged to the established religion. When the hon. and learned Member asked, why should the tithe be paid to the clergy of a handful of Protestants—it might as well be asked, why the property of the ancient Irish people was to be left with a handful of Protestants. He feared, that if the principles by which his Majesty's Ministers were guided should be acted upon with regard to the Church, that the day was not far distant when a claim would be set up for the restoration of the forfeited estates, and a call made that they should revert to the representatives of their ancient possessors. But the chief object which he had in rising was, to apply himself to one point which was pressed by those who preceded him upon the noble Lord opposite (Lord Althorp), and to which no satisfactory answer had been given. He wished to know what new light had broken in upon his Majesty's Government since February last, to induce them to depart from the principle of the Bill which they then introduced, in accordance with the recommendations contained in the Reports of Committees of both Houses of Parliament—a Bill, which was introduced with a view of commuting tithes into landed property. That principle Ministers had now abandoned, although it was adopted after the most mature deliberation. The Commons' Committee was composed almost exclusively of members of the Government, or their strenuous supporters, not more than four or five Members having been taken from the other side of the House. That Committee sat six months; the whole of the question upon Irish tithes was referred to them; they came to a resolution upon the subject, and to that resolution the right hon. Gentleman opposite (Mr. Littleton) was an assenting party. The Resolution stated, that it was essential to the permanent peace of Ireland. It was now said, that it would be too large an investment to make in land in Ireland; but that view of the subject was before the Committee. It appeared, that they calculated the produce of the sale of tithes—the probability of getting a sufficient quantity of land—the whole question was thoroughly examined at the time—no new light could, therefore, have since shone out upon the subject. It appeared that the Committee were distinctly of opinion, that it would be proper to reinvest for the benefit of the Church, the money raised by the sale of tithes. They said "upon every ground, it appears expedient that this investment should be made, if possible, in land,"—and according to that recommendation the Bill of last February was introduced. A Committee of the House of Lords had been appointed at the same time to inquire into the same subject. The Lord President of the Council was chairman of that Committee, and they concurred in recommending a commutation of Irish tithe into land. He was at a loss to conjecture why it was his Majesty's Ministers had thrown overboard the Bill founded upon the recommendations of two Committees, appointed by themselves, and of which many of his Majesty's present advisers were members, unless it was at the suggestion of the Gentleman who had lately become their confidential adviser, the hon. and learned member for Dublin. But it was said, that the peace of Ireland would be secured by adopting the course at present recommended. He should like to ask upon what authority such an expectation rested. He would appeal to every class of Irish Members, and he was confident that the opinions of no one class would warrant the statement of the noble Lord, that the proposed plan would give peace to Ireland. On the contrary the united testimony of all parties was borne to this fact, that it would not conduce to the peace of Ireland. But it was stated that the measure would give relief to the peasantry of Ireland, and if the fact were so, he admitted that some plausible ground for supporting the measure might be found. But would it give relief to the peasantry? He denied that it would, and its effect, as it appeared to him, would be that of enabling the landlords who were to be relieved to the extent of two-fifths of the existing charge for tithes, to add that amount to their rents. He believed the most effectual way to relieve the peasantry would be to convert the tithe into land; there would then be but the one charge —that for rent. At present the cottier tenant, such was the competition for land, made offers for land without taking tithe into account, and the landlord often let his land without attending sufficiently to the charges upon it beyond the rent. Thence arose one of the difficulties in the payment of tithe. The only way, in his (Mr. Lefroy's) opinion, to relieve the peasantry, and effectually to secure the peace of Ireland was, to pass a Bill in accordance with the recommendations of the two Committees, and convert tithe into land. Such a Bill was read a first and second time, and although it sacrificed a portion of the property of the Church, yet as it was calculated to secure the remainder, effectually and permanently the tranquillity of Ireland, it had received his support. He regretted, that his Majesty's Ministers had departed from that Bill—they had unsettled everything—and the measure now proposed would leave the question still unsettled. The property of the Church was to be sacrificed without removing that fruitful source of agitation which had for three or four years back been carried on in Ireland with such mischievous effects. Being opposed to the alterations now proposed, he must resist them, the more especially as these alterations went in fact to reverse the decision to which the House had come last Session on the 147th clause. The proposition of the Government was, to reverse that decision, and he trusted the House would not follow the Ministers in their system of vacillation and plunder, which, if persevered in, must lead in the first instance to the subversion of the Church in Ireland; and, as a consequence, he very much apprehended it would lead to a severance of the Legislative Union between England and Ireland, and finally to a separation of the two countries. With all these consequences in view, he must give his opposition, as well to the resolution proposed by his Majesty's Government, as to the Amendment proposed by the hon. member for Middlesex. The latter was more explicit than the former, but had nothing else to recommend it; but as he equally disapproved of both, he should meet both propositions in succession by a decided negative.

Mr. *Lambert* said, that though he was opposed to the former Bill, yet, when he heard the declarations of the Government, and when he saw the ill-assorted and ill-omened union of parties—when he heard the epithets of shoplifters and swindlers applied by a right hon. Gentleman, a late Secretary, to those who were opposed to his views, considering the machinations resorted to on the opposite side, he could not think of opposing the Bill. He respected the religious feelings and prejudices of every one when those feelings emanated from the heart, and were not directed to factious purposes. But if religion were to be made the vehicle of party views, and the instrument of social discord, he must say, that religion was abused, and that such proceedings should be discountenanced. How could it injure the Protestant Church if its revenues were drawn from a source less odious to the people than they were at present? Hon. Gentlemen talked of vindicating the law; but the House pronounced that the law was bad—that it was based on injustice. Then should they abolish that law, and there was therefore an end of its vindication. But as the House which declared the law to be bad did not annul it, the people, acting on the declarations of the House, took the matter into their own hands and anticipated the House. He thought the landlords could do much to mitigate, if not remove, the evil. But then it would not be fair to ask them to adjust such a complicated and embarrassing question without giving them compensation. His opinion was, that there should be an abatement to the landlord of forty per cent, and that the landlord should abate the tenant sixty per cent. He hoped Government would go on with the measure. It was one that possessed the elements of much good. The country would support them. Let them settle the question at once, and that was the way to check turbulence, insurrection, and bloodshed.

Mr. *Shaw* said, the whole secret of the policy pursuing by his Majesty's Ministers on the question under the consideration of the House, was let out by the speech of the hon. Member who had just sat down. The hon. member said, he came down to the House prepared to vote against the measure, but since he had heard the declaration of the noble Lord (Lord Althorp) on the question of appropriation, he had changed his mind, and would give the measure every support. What a miserable system of temporising and double dealing was this on the part of the Government! they threw out in their speeches the bait of "Church plunder" to catch votes on a question which they contended did not involve that principle, and yet they had not the manliness or honesty to act upon the principle when it was regularly before the House. They well knew they would have a large majority in that House, if they brought forward a resolution affirming that principle of the spoliation of Church property; but they had not the courage to meet the consequences out of that House. No—not even in the Cabinet of which they were members, although they boasted that it was now a united Cabinet, of which he did not believe one word; but instead of that intelligible and straight-forward (although he felt desperate) course, what did the Government do? Why—they calculated, as in the case of the hon. member for Wexford, that they should procure a majority there, by professing sentiments as members of that House, which, as members of the Cabinet, they would not dare to carry into operation; otherwise, why the shuffling—why the commission-issuing why the moving of the previous question upon a Resolution that did not go one iota beyond their own declarations, and shrinking at all times from fairly meeting that question? If he was asked what was the sufficient motive of the Government on the present occasion—he could easily tell it. The Government found themselves in the difficulty of having brought forward a measure, from which they could not with common decency recede, and had not the firmness to go on with; therefore it was, they asked that House to let them put their hand into the public purse, and take 1,200,000*l.* from the Consolidated Fund to extricate them from their embarrassment, not professing to have in hand more than 60,000*l.* at present to meet that demand; or that the Perpetuity Purchase Fund could ever exceed 1,200,000*l.* Supposing for the sake of argument, that it could be applicable to such a purpose, the point then was merely one of finance, whether the people of England and Scotland would be satisfied to pay so large a sum from their pockets, to enable the Ministry to tide over their present difficulty, and leave the question of tithes as unsettled as ever—for, so far from that Bill putting an end to what the hon. member (Mr. Lambert) called "the atrocious tithe system" it went in direct terms to perpetuate it; and the principle of redemption which alone, according to the shewing of the Government themselves, could have had the effect of extinguishing tithe, was now to be abandoned. With respect to the Bill before them, as in every other case the Administration were blowing hot and cold. The noble Lord said, the principle of it was to be given up, as since the right hon. Gentleman (Mr. Stanley) had left the Cabinet, it appeared, by the statement of the noble Lord that the principles which had been acted upon, to retain him and those colleagues who so honourably seceded with him, were to be repudiated; while, on the other hand, the right hon. Gentleman the Secretary for Ireland (Mr. Littleton) assured the House that the Bill was the same in principle, although only a part of it was to be carried into effect for the present,—then which was the House to believe, the noble Lord or the right hon. Gentleman? Such, in short, was the manner in which the present Government dealt with every subject which came before them. He wished to say a few words with regard to the hon. and learned member for Dublin, and the negotiations which had taken place between him and the right hon. Secretary for Ireland. The House had witnessed the great "blow up" which had taken place on the previous night with regard to these negotiations. It was rather a delicate affair, and he (Mr. Shaw) had no desire to revive an unpleasant subject. But, notwithstanding that "blow up," and notwithstanding what had been said that night in another place, where the noble Lord at the head of the Government had spurned the idea of any negotiation being entered into between the hon. and learned member for Dublin, and any member of the Government, he was convinced, that the negotiations which were said to have been so abruptly broken off were still pending. Hon. Gentlemen might laugh at the idea; but he would prove the fact by this test, that the Coercion Bill would not be supported by his Majesty's Ministers in that House, whatever might be said to the contrary. He believed, that no Member of the Cabinet would support that Bill; and he drew his inference from the speech of the hon. and learned Member that night. It was only a fortnight ago, just before the negotiations had taken place, that the hon. and learned Gentleman had declared war against the Government solely on account of their intention to introduce the Coercion Bill. The words of the hon. and learned Gentleman were, "Now is our time to oppose the Government, for the House of Lords are ready to pour down upon them, and I will give them every support in my power, in order to drive the Ministers from their places." He believed he had stated the substance of the hon. Member correctly, and he was strengthened in that belief by a reference to the letter which the hon. and learned Member had addressed to the people of Wexford. The hon. and learned Member admitted his correctness, and that was sufficient for his purpose. With regard to Church property, the hon. and learned Member had that night said, that the surplus of any fund that might fall in ought to be applied to the support of the Catholic clergy. Now, when the hon. and learned Member was questioned on this very point by a Committee of that House in the year 1825, before the Catholic Emancipation Bill was passed, he stated that one of the principal objections entertained against that measure by the Protestants of Ireland arose from the fears which they entertained, that the Catholics, if emancipated, would endeavour to effect the appropriation of the property of the Church to the purposes of the State. And when he was further asked if the Catholic Priesthood were desirous of obtaining any part of the Church property, he replied, that he never heard them express such a wish. The hon. and learned Gentleman was then asked, if he meant his observation to apply to tithes also: he distinctly answered that the Catholic Clergy would not accept of any portion of the property of the Church; and he added, that the Catholics generally objected to any such appropriation. He, however, did not rise for the purpose of pointing out the inconsistencies of the hon. and learned Member, but to caution the House against being deluded by his Majesty's Ministers—to vote a sum of money out of the Consolidated Fund, which they could never expect to have repaid—for the purpose, too, of preventing the extinguishment of tithes by means of redemption; and, above all, that they should not be imposed upon by professions of his Majesty's Ministers of their readiness to spoliate Church property—professions obviously used to catch votes on that occasion, when the question of appropriation was not fairly raised by the Government—which question they had not the manliness to raise fairly, and to a contest upon which he boldly defied the Ministers—conscious, as he was, that they would have an overwhelming majority in that House, but still confident that the sound feeling of the people of England, as well as every principle of truth and justice, would be opposed to them.

Mr. *Gisborne* said, that when this measure was first brought forward, and he was called on to vindicate the right of property in tithes, leaving the question of appropriation, on which it was intimated the Cabinet differed, unsettled, he certainly hesitated as to his vote; but he now considered the case changed. Since the recent change in the Cabinet, the case stood on very different grounds. The ministerial appointments had given the utmost satisfaction, and the real question was, whether they should quarrel with people who were travelling the same road with them, because they did not travel fast enough for their wishes, and throw themselves into the arms of those who wished to travel in an opposite direction. The right hon. Gentleman opposite would in vain hold out his blandishments to you about what he pleased to call the generous party with whom he acted. Toryism has, indeed, hidden its diminished head in that House; it held a higher attitude in the House adjoining; but if they wished to see it in its genuine purity and spirit, let them seek it at Oxford. There the child was first cradled, nor did he doubt that its cradle would prove the dying bed of its decrepitude. The fact was, that whatever disguise it might put on, Toryism was as insolent, overbearing, and unteachable, as it ever was, and so it would ever continue to be. It had been said, that Ministers had not raised the question fairly, but he really thought that had not the question of appropriation been raised, they would not have heard so vehement an opposition from the hon. Gentleman, and the generous party with whom he was connected. The right hon. Gentleman had talked of the difficulty of finding the Church property of Ireland under any of the thimbles. Let him have the management of them, and they should find it under the thimble of the Crown. The right hon. Gentleman had argued, that the principle in this case was totally new, that the main and chief principle of the former Bill was removed from this Bill—namely, that of redemption. He agreed with the right hon. Gentleman, that the power of redemption was a valuable part of the Bill, and he hoped, that that power, though it might be postponed, would not ultimately be done away with. He agreed in the opinion that, though the great object should be to have the power of the redemption of tithes, yet that tithes should be no longer known. Though he agreed in this great principle, he must add, that it would be unpalatable should so large a sum of money be invested in land, and he wanted to know what was the absolute necessity of investing the whole amount in land. Surely, there were other securities to be found—in the public funds, and elsewhere in the State! But the Church was never satisfied; it had always stood in its own light. He hesitated not to say, that the difficulties of the tithe question would never have existed but for the tenacity with which the Church had adhered to certain opinions in reference to this subject. She had thrown every impediment in the way. At the time of the war, when every body was anxious to avail himself of any facilities which were given to the redemption of tithes, the Church stuck doggedly to a certain principle, like some stupid fellow, who was always afraid of being injured by a bargain. Had this not been the case, he thought that tithes would have been redeemed, and they would not have had the present difficult question to dispute about. He did not know, however, why it should be assumed as a fact, that the Church would not take any thing but land, nor could he imagine why the security of the State was not deemed sufficient. Then they were called upon to make up the deficiency out of the Consolidated Fund. He was willing to adopt that course, but he would not attempt to deceive the House, or depart from those principles which he had always advocated; and he begged to assure the hon. member for Middlesex that he never would cease to endeavour to repay the amount to the Consolidated Fund out of the revenues of the Irish Church. He was willing to go as far as he could at the present moment. He took this resolution, not as comprehending that which was satisfactory, but because it was all he could get. He spoke thus openly in order that no man might hereafter say, that he took away this money without stating what were his ulterior objects. It was on this ground that he should vote on the present occasion, and he would endeavour to pay for the lay tithes upon this principle; for it was only because they were applicable in a certain way that they were not put into one boat with ecclesiastical tithes. He would say, that the Church should relieve them from the difficulty in which they were placed, and it would be for them to make up the amount for lay tithes. The hon. member for Middlesex had moved an Amendment, which Amendment he hoped the hon. Gentleman would not persist in. But he had never yet heard a Motion made with respect to Ireland, to which he should not have liked to have proposed an Amendment. For his own part, he felt very much disposed to move, that an humble address be presented to his Majesty, praying that his Majesty would be graciously pleased never to make another Irish Bishop; that his Majesty would be graciously pleased to withdraw a whole regiment from Ireland on the death of every existing Bishop; and that on the death of every Dean, his Majesty would withdraw a battalion of the army. If this advice were followed, he verily believed, that it would be found that Ireland would be more satisfied than ever she had been. This was the Amendment which he should like to move. ["*Move, move!*"] He would not move his Amendment, and he said so as an inducement to the hon. member for Middlesex to follow his example. He hoped the hon. Gentleman would withdraw his Amendment, and allow them to have a concurrent vote. With respect to what the further intentions of the Government might be, they might feel justified in observing some reservation on this point; but he was willing to support his Majesty's Government, of whom he believed the great majority of the House had a high opinion—and recent events had shown clearly what were the feelings of those who supported liberal measures out of doors. He hoped that the House would, by its vote, strengthen the hands of the Government, and the faster and the safer Ministers would then be enabled to go on the road the great majority of the nation wished.

Mr. *Sheil* said, that there was a very important difference between the Resolution and the Amendment; and the hon. Gentleman (Mr. Gisborne) was, in consistency, bound to support the latter. He had condemned the exclusive application of the surplus Perpetuity Fund to the deficit on the Ecclesiastical tithes. The resolution did confine the application of the surplus Perpetuity Fund to the Ecclesiastical deficit, and expressly excluded lay tithes. The Amendment corrected that defect. He did not desire to throw any vexatious obstacle in the way of the Government where they had manifested the least disposition to take a single step towards justice to Ireland; but he could not avoid remonstrating with them on their perverse, their weak, adherence to the doctrine that the Perpetuity Fund was to be only applicable to Church purposes. The Resolution charged the entire deficit on the Consolidated Fund, and they reimbursed that fund as far as Ecclesiastical tithes only were concerned out of the surplus Perpetuity Fund. Apply it to the deficit of lay tithes, and then they had at once the recognition of the great principle of disappropriation from the Church. The 147th Clause originally provided, that the surplus fund should be applied to such purposes as Parliament should think proper. That clause was abandoned, and a sacrifice made to Churchmen. Now was the time to re-assert it, instead of sticking to the Conservative principle that Ecclesiastical possessions were to be applicable to none but Ecclesiastical interests. Good God! Did the Government, after all their declarations, pertinaciously adhere in practice to the principle which they were told that they had relinquished? But of what avail would be the entreaties of men disposed to support them when they were right, and when they were not, would be excited by the taunts, the contumelious jeering, of their Conservative antagonists? The member for the University of Dublin reproached them with their pusillanimity; and their former colleague, the late Secretary for the Colonies, whose insidious friendship was worse than open hostility, had poured out all his acerbities upon his associates. It was not a little surprising, that the right hon. Gentleman who sat beside him in such interesting juxtaposition —the late First Lord of the Admiralty, had contented himself with nodding assent to all that was said by his right hon. Associate, and had not, since his desertion of the Ministers broken a silence, which might be judicious, but was remarkable. There they were together, a sort of Parliamentary Gemini, shedding their radiance in Conservative splendour over the fortunes of Toryism, and intimating prosperous serenity to those who had hitherto held the way in the midst of clouds and storms. The ex-Secretary for the Colonies had already spoken three times, explained his motives, and poured forth his amiable emotions; but the First Lord of the Admiralty had remained profoundly silent. Was it that it would have been superfluous in him to have spoken, and that all that he could say or feel had been adequately expressed by his brother in resignation? What! had the ex-Secretary for the Colonies proved a faithful Representative, not only of his opinions, but of his sensibilities, and expressed all his tender recollection of his old official friendship and formal political associations? He should address a word or two to both those hon. Gentlemen, and have done. How could they reconcile their former conduct with their present virulent opposition to Government? When they voted for Reform, and supported it with great vehemence, and resorted to such means to effect it, did they not foresee that the Reform of the Church must be the result?

Did they look before them? They did not want warning at least. The member for Tamworth again and again exclaimed, that the downfall of the Church would inevitably follow what he called their revolutionary innovations. How could they think, that the democracy of Ireland could be so strengthened, and the Orange ascendancy laid prostrate, without producing the consequences that were passing before them? Again, let them look at their own measures. Did they not upset the very cradle of Protestantism when they destroyed the Kildare-place Society? Did the right hon. Gentleman (the Secretary for the Colonies) remember how he was reviled and reproached by the men who now joined him in the Church cry? "You are robbing us," they exclaimed, "of the Bible." He despised the Bible shout, and those whom he had abandoned might hold in equal scorn the efforts which were made to arouse the religious passions of the English people. Those endeavours had failed. Not a petition came from England to this House in favour of the abuses of the Irish Establishment. Look at Finsbury! They might laugh at the mention of Finsbury; but who was the Conservative candidate? The man who went with the member for Dover on his celebrated hackney-coach expedition to Windsor to petition the late King against Catholic Emancipation. This was the individual set up on High Church principles, and his discomfiture was not a little ominous of public sentiment. But to return to the two right hon. Gentlemen. Did they not vote for the abolition of ten Irish Bishoprics? Did they not vote for the suspension of Protestant incumbency in every parish where divine service had not been performed for three years? Was there no principle involved in that measure? Was it not an admission, that the extent of the Protestant population was to be taken into account in a parish? Why not, then, in an entire country? The Secretary for the Colonies exclaimed against a reduction of forty per cent. He himself supported a Bill reducing the Church-property twenty per cent. Then it was only a question of degree. The right hon. Gentleman said, that it was monstrous to charge the deficit on the Consolidated Fund. Did he not support the proposition for abolishing English Church-rates, and substituting a charge on the Consolidated Fund? Thus his whole conduct was a tissue of inconsistencies. Let the Government bid him and his confederates defiance. Some one had said: "Now is the time for the Lords." His answer would be, "Now is the time for the Commons and the English people." Nothing but a little vigour on the part of the Government was requisite to ensure their stability. The Conservatives did not dare to take office. ["*Hear*," *from the Opposition Benches.*] Wherefore, then, did they not accept it? The Lords were with them; and the Secretary for the Colonies made a significant reference to an illustrious person on a former occasion. Yet, with all their vaunting, they did not venture to stretch the hand to that which was within their reach. Why? Because they knew that England was against them, and that the weakness, indecision, and vacillation of the Government afforded them their only chance.

Sir *Robert Peel* said, there were two principles involved in the question under discussion. The first was, that the public should be called upon to contribute a certain sum to make up the deficiency which would arise from the adoption of the change to the Irish land proprietors. There was, in short, to be an absolute charge of 60,000*l.* on the public purse, the payment of which there was not the smallest ground to hope. To that he decidedly objected. But there was another principle involved in the Resolution. That principle was, that by way of providing a partial compensation to the public revenue for the amount it was to contribute, the fund which, by a solemn Act of Parliament, passed only so far back as the Session of 1833, was established and set apart for purposes of a strictly moral and religious character, was in the Session of 1834 to be shamefully violated, and made applicable to purposes of an entirely secular nature. The adoption of such a principle could not but tend to shake all confidence in the decision of his Majesty's Government, and of the Legislature; and if no other Member raised his voice to protest against and denounce it, it should meet with his unqualified condemnation. He objected to the two principles on which the Resolution was based; but on a still more decided ground he objected to the Resolution itself, namely, because it tended to throw much greater obstacles in the way of the final settlement of the difficult question of tithes than the measure which was brought in by his Majesty's Government in February last. The measure then introduced by the present Government proceeded on the true principle—it was in conformity with all preceding measures on the subject of tithe, and was intended to do that which constituted the only security for the Established Church, and the permanent tranquillity of Ireland; at least, after the course which had been taken, after the omissions to enforce the law, and after the violation of all authority in that country—the only course, he repeated, which was left for the Legislature to adopt was, to encourage the redemption of tithes. He thought that had been the object of his Majesty's Government. Their rallying cry last year had been the extinction of tithes, and, in February, accordingly, they introduced a measure which contemplated their extinction by means of redemption. But they now departed from that principle, and were going to make tithe a permanent charge in Ireland under the name of a rent. Why, what distinction was there? In point of fact, they borrowed the plan of the hon. and learned Gentleman, the member for the City of Dublin; and having stolen his child, like other plagiarists, as Sheridan said, they attempted so to disfigure it, as to make it impossible for the hon. and learned Gentleman himself to recognize his own production. And how well they had succeeded! They had been kicking, and hacking, and cutting the unfortunate bantling which had been produced only a few weeks since, so that in point of fact the hon. and learned Gentleman could not be made to own it. But the noble Lord (the Chancellor of the Exchequer) said, "Pay this out of the Consolidated Fund, and do not refuse to provide future peace and tranquillity for Ireland by refusing the paltry sum of 60,000*l.*" Now, undoubtedly, if the noble Lord thought it would lead to the security and tranquillity of that country, he was warranted in asking for the vote; but what shadow of argument had he brought forward to satisfy the House, that if he fastened a permanent rent-charge on Ireland, which the landlord was to pay, there would, as the necessary consequence, be permanent peace and satisfaction there? Of all vulgar arts of Government, that of solving every difficulty which might arise by thrusting the hand into the public purse was the most delusory and contemptible. It had in all times been considered the symptom of decay in Government, when they had neither the manliness to enforce the law, nor the courage to stand on ancient rights. One year they proposed 60,000*l.*, another 1,000,000*l.*, and a third 59,000*l.*; and their language was, "Advance us this for the sake of peace;" but, as an hon. Gentleman had said, they called "Peace, peace," when there was no peace. If they would consent to redemption, there might be a chance of peace; and he would address himself to that part of the question. The hon. Gentleman (Mr. Gisborne) had said, the Tories called for redemption. Not at all; the Whigs called for it,—up to the present hour what they demanded was redemption. The course pursued by his Majesty's Government was most complicated and unintelligible. First, a Commission was appointed to value the land; then the tithes were to be sold for four-fifths of their amount; then a charge was to be made on the land; then remuneration was to be granted out of the Consolidated Fund; then the deficiency was to be made good out of the public purse. The whole object seemed to be, to complicate and delude. Instead of an open and intelligible Bill of three clauses, they had a complicated and unintelligible Bill of fifty clauses. But why had they changed their views with respect to redemption? He did not compare the present opinions of his Majesty's Government on this subject with the opinions of the Tories; he did not compare them with their opinions at former and distant periods; but he merely compared their opinions this year with their opinions last year. He asked, what were the new circumstances which had occasioned their change of determination with respect to the question of redemption? Evidence was strong and conclusive in favour of redemption. He would not advert to the evidence of any high Churchman or of any Tory, for he knew that that would be far from satisfactory to his Majesty's Government. But there was Archbishop Whately: he must be in full possession of the confidence of his Majesty's Government; he was a member of the Poor-laws' Commission; he was a member of the Ecclesiastical Commission. His Majesty's Government must consider him a high authority; and he (Sir Robert Peel) therefore confidently referred to

Archbishop Whately's testimony to the superiority of redemption to a rent-charge. To his evidence was to be added that of the Lord Lieutenant, that of Mr. Blake (an individual in whom the Government had great confidence), and that of the Marquess of Lansdown. All were in favour of redemption; all were in favour of securing tithe as soon as it was possible to do so, by providing a system of redemption. That was the true principle. But while the Bill of February last facilitated that object, the present Bill did directly the reverse, and postponed, indefinitely, all temptations to redemption. An hon. Gentleman had said, that the question simply was, whether or not the whole of this money should be invested in the purchase of land. That was not the question. They might sanction the redemption of tithe without necessarily implying, that the redemption-money should be invested in land. Land was no doubt preferable as an investment, because it gave additional security; but it did not necessarily follow, that the investment in land would conclude for ever the question of the Church revenues. That question ought to be now and for ever decided in favour of their inviolability, and the noble Lord expressly denied that the application of the redemption-money to land necessarily determined the question. Then why had the noble Lord abandoned the principle of redemption? The hon. Gentleman (Mr. Gisborne) said, "Why do you not deliver over the redemption to Ecclesiastical Corporations, for the purpose of applying the money to the Church?" Would the hon. Gentleman consent to that proposal? Would he consent to the proposal, that the land-tax or rent-charge should be redeemed by the landed proprietors of Ireland, and that the money should be vested in an Ecclesiastical Corporation, strictly to be applied to the purposes of the Establishment? If he were not prepared to say so, he should not say, that the redemption of the rent-charge necessarily implied that it should be vested in land. He thought the House was of one opinion on that principle. They differed materially as to the integrity of Church property; but he thought there was no dispute on the other point. He heard with pleasure the hon. and learned Gentleman (Mr. O'Connell), on a former occasion, putting forward a principle of much importance, and in the truth and justice of which he most cordially agreed—that to whomsoever Church-property belonged, and whatever control the Legislature might have over it, at all events the landed proprietor had no right to it whatever. The Government had moved Resolutions to that effect—could they now evade them? They had all agreed on that point; they had claimed for Parliament the right to make a different appropriation; but at the same time, they admitted, that the landlord should pay the full amount—that it had a right to exact from him the full value of the tithe, making a reasonable deduction for the expenses of collection? If that were the case—if it did not belong to the landlord, on what principle could they ask the people of England to make this payment out of the Consolidated Fund? On what principle was it that this forty per cent was to be given to the landlord? He thought the first principle was, to secure the property of the Church, and then afterwards to consider to what objects it should be applied; but if the first object were to secure the property of the Establishment, would Government be prepared to enforce that principle in November next? If they admitted the principle, why not facilitate it by adopting redemption in preference to a rent-charge? The noble Lord, and those who acted with him, had taken on the present occasion a course wholly inconsistent with that which they pursued on a former occasion. His Majesty's Government were constantly demanding, that the House and the public should have confidence in them: but how was confidence to be reposed in that Ministry which, within a few months, was found to support two propositions diametrically opposed to each other? It was by acts, not words, that confidence was won. Where were the acts which entitled the present Government to expect it? In the present state of tithes in Ireland, it was possible for the Government to have taken one of three courses. Firstly, it was possible for them to contend for the perfect inviolability of Church property, consenting to distribute it differently, if necessary, for ecclesiastical purposes. That was the course which he, and those who were with him, would wish to see adopted. Secondly, they might have stated distinctly and fairly that, after making every possible inquiry, they thought the Establishment in Ireland was too amply provided for, and that an appropriation, different from the present, ought to take place. Such was the course suggested by the hon. member for Middlesex. The third course,—and it was the one he thought would have been selected by the Government,—was, to have stated, that they were not in a situation to form a correct opinion, and that they would forbear making up their minds on the subject until the Report of the Commission of Inquiry was before them. Such, perhaps, would have been the most fitting course they could, under all circumstances, have adopted, because, as was truly observed by the right hon. member for Cambridge a few evenings ago, it would savour somewhat of an Irish course of proceeding, if, immediately after sending out a Commission of Inquiry, they proceeded to legislate upon the subject to which that inquiry was to be directed, without having the result before them. What, however, was the extraordinary course taken by the Government? The noble Lord, on behalf of himself and colleagues, declared, that he was perfectly ready to meet the question—that he was perfectly ready to act on the principle of the 147th clause in the Bill of last Session. What! the noble Lord, who only three nights since declared he was not certain whether there was likely to be any surplus fund whatever arising from the reduction of the Irish Church Establishment, but, should it turn out there was a surplus, that it should be applied to purposes of a strictly moral and religious character—could it be, that that same noble Lord was the person who declared himself ready, nothing new having occurred since his former declaration, to sanction the principle of the 147th clause, or rather of a new principle going far beyond it, admitting tithes as Church-property, and yet sanctioning their application to a completely secular purpose? [Lord *Althorp:* No, not secular purpose.] Not secular! Did the noble Lord mean to say, that to give forty per cent out of the surplus fund to the Irish landlords, was not applying it to a secular purpose? Was it a moral and religious purpose? On Monday evening last, the noble Lord told the House he was not sure whether there would be any surplus fund whatever, and that, should it be found to exist, until the Report of the Commissioners of Inquiry was presented, he could not make up his mind as to its appropriation; and yet, three days afterwards, uninfluenced by the taunt of one of his colleagues, that it would be an Irish mode of dealing with the question, first to issue a Commission of Inquiry, and then, before that inquiry could take place, to legislate upon the subject to which it was directed, the noble Lord came forth and declared he had perfectly made up his mind as to the course he would adopt. What a perfect mockery was all this proceeding! Here was the Act of last Session—the noble Lord seemed desirous to throw the responsibility of it on the late Secretary for the Colonies; but, unfortunately for himself, he was a consenting party to it, and, moreover, the head of the Government in that House at the time it was introduced. It was the noble Lord's own act; the 147th clause was struck out of it; and the assent of another branch of the Legislature was thereby secured. But what said the preamble? "Whereas the number of Bishops in Ireland may be conveniently diminished, and the revenues of certain of the Bishoprics, as well as the said annual tax, applied to the building, rebuilding, and repairing of churches, and other such like ecclesiastical purposes, and to the augmentation of small livings, and to such other purposes as may conduce to the advancement of religion, and the efficiency, permanency, and stability of the United Church of England and Ireland;" and then it was provided, that monies should be advanced for building churches, and effecting the other recited objects. Well, that Act of Parliament passed in 1833, tithes having been suspended in the interval; and, without a shilling which they could apply for the advancement of religion, the very first act which Government had recourse to was, to lay hold of the first dawning of an appearance of a fund, and appropriate it to the Irish landlords. If Government had proposed a vote of Parliament for the purpose of redressing the wrongs of the Irish clergy, if they had then sanctioned the redemption of tithe, and the appropriation of the redemption money to an ecclesiastical corporation for the purposes of the Church, to be applied in the purchase of lands, under such circumstances and in such proportions as that corporation should think fit, not forcing the money into the market, but purchasing land gradually, there might have been some hope left of maintaining the supremacy of law in Ireland, and providing for the interests of the Established Church; but while they went on in their present course, varying their own acts from day to day, saying, on the first day of a week, that their own mind was not made up as to a surplus, and of course not prepared to deal with it; that if such a fund should present itself, it should be limited to moral and religious purposes; and on the last day of the week, without the Report of the Commissioners, determining the existence of a surplus, and consenting to apply it to purposes so entirely secular as to make up the contributions of the Irish landlord. While they pursued such a course they might, no doubt, please those who sought the destruction of that Church, but they would never attract the confidence of any sober-minded body worthy to exercise legislative functions, far less secure peace and tranquillity in Ireland. He could not disguise from the House his opinion, that there must be reasons for the course which Government were now adopting, which did not appear on the face of this Bill. They were not now agreed as to the principle of appropriation. As he said before, in his conscience he believed that the late Commission had been appointed for the purposes of delusion. The noble Lord had, in fact, admitted to-night, that it was utterly unnecessary for any purpose. He had been much struck by an expression of the noble Lord in the course of that evening, when, in answer to an observation of an hon. Member to the effect that the Commission was an abortion, ill-begotten, and of consequence short-lived, he replied, that it had gone its full-time. He was quite disposed to believe it had gone its full time. It had answered the temporary purpose for which it was appointed, and without doubt neither Parliament nor the country would hear anything more about it. He hoped, however, the people of England would avail themselves of the opportunity its appointment offered to protest against the principle on which it issued. He hoped that the people of England would never consent to sever the principle of the Irish Church Establishment from that of England, and that, while consenting to every proper Reform in their Church, they would contend for its inviolability; and above all that they would strenuously, at the same time constitutionally, protest against the appropriation of its funds to purposes other than those for which they were originally devised. He believed, that the cause of the vacillation which Ministers had shown on this subject, was not that they preferred the present system to that which they advocated in February, 1834, but because they considered it more likely to conciliate the votes of those on whose support they relied, and who had avowed their enmity to the Irish Church. Under what circumstances, during the recess, were they about to conduct the Government? He could not but smile, when he heard the hon. Gentleman (Mr. Gisborne) talk of the United Cabinet: they had got rid of all the clogs and fetters on the operations of Government; the course was now quite clear; the Government was unanimous; only let the House have confidence in them; and then, as willing instruments, they would run all lengths in the career of change. There were no such things as Cabinet Councils, he knew, held in Ireland; but he should very much wish to see the first meeting which took place there between the three Irish officers, the Lord Lieutenant, the Lord Chancellor, and the right hon. Gentleman opposite (Mr. Littleton). The first question of the Lord Lieutenant to the Chief Secretary would be, "Have you brought over the redemption clauses?" Lord Wellesley would doubtless moreover say, "I directed Anthony Blake in 1824 to submit to Lord Liverpool my views upon the expediency of redeeming tithes by the purchase of land, and surely my suggestions have not been disregarded." What, then, would the Lord Chancellor of Ireland say to the Commissioners? His Majesty's Government had announced to the House, that they could not proceed a single step without local information, without minute and detailed local inquiry; and then they selected Lord Brougham to be one of the Commissioners for conducting that inquiry. Now, he begged to know if Lord Brougham ever, in the course of his life, had been in Ireland? Then why, he begged to know, had the name of that noble Lord been included in that Commission? It was an Irish Commission, requiring local knowledge of Ireland; and yet the name of the Lord Chancellor of England was placed upon that Commission, and the name of the Lord Chancellor of Ireland omitted. He felt it the more necessary to call attention to that circumstance when he recollected that the noble and learned Lord who at the present moment held the Great Seal in Ireland, had for many years been a Representative of the Dublin University in that House. Such an omission could not fail to suggest to hon. Members this question:—Did Lord Plunkett support or disapprove of the measure which his Majesty's advisers had thought proper to adopt in reference to the Church of Ireland? It was not to be supposed, that the name of the Lord Chancellor of Ireland would have been excluded from that Commission on any other ground than his dissent from the principle which that Motion was intended to carry into effect. It seemed, that there were three questions under the consideration of Government, about which the United Government did not agree. The first and the chief one was the renewal of the Coercion Bill. Then came the present question ["*Hear.*"] He was surprised that the noble Lord should cheer as if he delighted in that which was a reproach to a Cabinet claiming the merit of being united. This was Union indeed. [*An hon. Member:* The Catholic Question.] To be sure these differences did remind them of old times; on the Catholic Question there was a difference of opinion; but then it was acknowledged—it was openly avowed; and they inherited their lesson from whom?—the Government of 1807. But here, on every practical measure, Ministers differed one with another—on the question of the reduction of Tithes—on the Church Commission—on the Coercion Bill, they all held different opinions, or, at all events, different shades of opinion. There were three Ministers for Ireland—the Lord Lieutenant, the Chancellor, and the Secretary. There were three measures—Tithes, Church Commission, Coercion Bill; on these three measures these three men all held different opinions, and yet they had an united Cabinet! But they were told that, within these few days, all things had been settled; that they formed now a firm and compact body agreed on principles—all bound by the same opinions. He did not believe it. He was not satisfied. And when he looked to the country—when he saw the rights of property delivered over in Ireland to a Commission—when he saw a number of Gentlemen strolling about collecting information as to the relative number of Catholics and Protestants—when he found rent-charges proposed as a substitute for tithes—when he saw the principle of redemption, so heartily avowed last Session by Ministers, now cast heedlessly to the winds—there was, indeed, a prospect presented to his mind much better calculated to depress and alarm, than to encourage and support it. Without the least hesitation, he took upon himself to affirm that, at the present moment, there was as little chance or prospect of effecting a peaceable and satisfactory extinction of tithes as at any period within his recollection. For those reasons, then, he should vote against the measure. He should also vote against it as most improperly interfering with the property of the Church, without fairly meeting the question of appropriation. Lastly, he should vote against it, because he thought that no measure of that or any other important kind could be successfully carried into effect in the hands of any but a united Government, and least of all could it be brought into full operation by a Government having recently sustained such a loss as it had sustained in the persons of two right hon. Gentlemen opposite, who had sacrificed their offices to their principles. In his judgment, nothing could afford a more striking illustration than the present condition of the Government did of the truth—that a double-minded Cabinet, like a double-minded man, must of necessity be inefficient and unstable in all its operations.

Lord *Althorp* said, it appeared to him as if it had been said, that he had taken upon himself all the responsibility of his right hon. friend's measures. He had never said anything of the sort. He had voted for these measures, but their having failed did not, as it appeared to him, raise any difficulty sufficient to constitute a reason against the present Bill. The right hon. Gentleman had spoken of the Church Temporalities' Bill of last year, and the present measure as being inconsistent with each other, and as if he (Lord Althorp) were open to the charge of inconsistency in giving his support to both. To remove the slightest possible ground for any such imputation, he had last Session anticipated it by saying, in the most distinct terms, that the question of the appropriation of Church-property was not in his mind to be affected by the Church Temporalities' Bill.

Lord *John Russell* said, that throughout the speech which the House had just heard from the right hon. Baronet he had looked most anxiously, but he had looked in vain, for any statement of the principles upon which he would assert the rights of property in reference to the question of tithes. How did the right hon. Baronet propose to collect the tithes? And supposing them actually collected, he had given no intimation as to the mode in which he thought they ought to be appropriated.

Sir *Robert Peel* had no reluctance to state that he should, in the first place, desire to see the law carried into full force; and to this extent, he concurred with the noble Lords, that he would direct the force of the Government in order to effect the collection of tithes; the proceeds of it, however, he should desire to see applied solely to the purposes of the Church. He would go with them in collection, but he objected to their mode of appropriation.

Lord *John Russell* resumed: Then it was clear, that the course of policy which the right hon. Baronet would adopt was the same as theirs—he would do as they did—he would apply the force of the Crown to the collection of the tithes in Ireland, laying down as a principle the inviolability of Church property. But let it not be forgotten, that they had expressly reserved the question of appropriation on the Church Temporalities' Bill, and that they were guilty of no inconsistency whatever in the course which they were then about to take. Did the House suppose, that it would be practicable for them to accomplish the work of collection, if now and for the future the principle of appropriation were to be left out of view? Amongst the difficulties with which they had to contend was this—that the tithe was to be collected from a great number of petty occupiers in three-pences, and two-pences, and pence, and half-pence; besides that, they would have to contend against the religious feelings of the people. What was desirable, therefore, was not a measure of nominal relief for the people; but one that would relieve them immediately and permanently. This was the difficulty in bringing forward an altered measure which Ministers had to get over. They wished to shorten the time of collection, and to introduce some measure of a permanent nature. The measure of his right hon. friend (Mr. Stanley) was intended to extinguish tithes finally, but it would not put an end to them at present. The present measure had an advantage over that of his right hon. friend. The advantage now given was, that the landlords who would come forward voluntarily before the year 1836, would have an advantage of twenty to forty per cent, and in this way the odious commutation would be got rid of. Whatever the right hon. Gentleman might say, a rent-charge was as different as possible from a tithe composition. If the landlord did not come forward, there would be no sacrifice. The payment out of the Consolidated Fund would be sufficient, and it would have the good effect of preventing collision and bloodshed. Though they should be obliged to pay 60,000*l*. out of the Consolidated Fund—a sum far greater than he believed Government would be obliged to pay—still he thought that was not too much to ensure the pacification of Ireland for many years. The right hon. Gentleman asked why the plan of redemption had been abandoned. His answer was, that it was not abandoned. The Government and even he was a party in bringing in a measure for the redemption of tithes in part. But when the Bill was before the House, it had been construed both by the hon. and learned member for the University of Dublin, and by the hon. and learned member for Tipperary as concluding the question of appropriation, and for ever to Church purposes. It was impossible, therefore, to carry on the clauses of that Bill if they could be by different persons construed into that sense. For that reason it was necessary to postpone those clauses, and to abandon that portion of the Bill. After the question of the Perpetuity Fund, he would come to what was to be charged upon the landlords. Parliament last year thought this fund ought to be appropriated to Church purposes. But the decision of Parliament was not to be perpetual. He would, in a word, sum up the principle upon which his Majesty's Government proceeded in the matter: it was, that they had not, and would not affirm the application in perpetuity of all the revenues of the Church to the purposes to which they were at the present moment applied. The right hon. Gentleman had spoken of the Cabinet as a disunited one. He begged to inform the right hon. Baronet, though he had ventured on the assertion, that he had not proved the fact. He had failed in his object—the Cabinet was not disunited, whatever hopes might have been indulged on the subject. On that and on every subject, without an exception, which had reference to Ireland, there was not a shade of a difference of opinion in his Majesty's Government. They had appointed a Commission, through the agency of which they should obtain facts—positive facts, and not mere opinions—as to the real state of the Protestant Church in Ireland, and the Protestant and Catholic population; that Commission, he begged to say, was not a recent thought, as the right hon. Baronet seemed to say; and never, in his whole life, was he more astonished than when he heard the assertion, that it was so. He would maintain his already expressed opinion, that on a subject like this, to legislate effectually, they must know their ground —they must proceed upon facts. Sure was he, indeed, that if they had not proposed this Commission—if they had proceeded at once to legislation, without instituting proper inquiries—without having undeniable data on which to work—they should have been very soon met from a certain quarter of the Opposition side of the House, with the argument that inquiry should be first entered on, and with the taunt why had it not been entered upon. They would have heard some very fine sentences indeed in the indignant tone of reprobation — such as they had had a specimen of that night, about sacrilege, and so on. But he would not be caught in that trap. He would not be induced, by the taunts of the right hon. Gentleman, to go forward and discuss a question, which, when it came properly before them, he would never shrink from. He was sure the facts would be all before them without any very great loss of time, and he did not think it wise to go more into the subject till that was the case. The right hon. Baronet had spoken tauntingly of certain Members of the Government not being of the same mind on one or two matters. Now, the right hon. Baronet's suppositions, it was not in his power to correct; but this he could assure the right hon. Baronet, that he could have conjecture only for his authority. But, supposing it otherwise, should the right hon. Baronet be the one above all others to tell them of it? Did he not belong to a Cabinet where there was openly a difference of opinion on the most vital subject of the period? When in that House, Secretary answered Secretary, and Minister voted against Minister? And what was the end of that disunion? Was it not ended by the right hon. Baronet himself coming down to that House, and stating that his opinions were not changed; but that such was the state of disunion which the question had wrought in the Cabinet and the Parliament, that there was no hope for the peace of Ireland, but by an ample measure of concession and justice. Supposing the right hon. Baronet and others who acted with him came into power and determined on maintaining the present appropriation of the revenues of the Irish Church, what would be the result? They might, perhaps, by good luck and management, keep their places for two or three uneasy Sessions—they might, with almost averted eyes, get through two or three cruel and bloody winters—they might see insurrection in one point—misery and despair in another —they might for a time keep down the people of Ireland, goaded into a state of wild religious fanaticism. But could this last?—could they hope for any length of time to maintain a Government whose acts were contrary to every maxim of reason, of policy, and of justice? Could they—would they—do this merely in the hope of making the Irish a religious people according to their own tenets? Would they have religion instilled into them by troops of dragoons and heaps of Exchequer processes. [*Cheering, and cries of* "*No, no.*"] He said yes. He repeated it, such was their object. Oh! to be sure; they did not oblige any man to attend a place of worship, if he dissented from their religion; but why, then, he asked, if such was not their object sooner or later—why keep up the Church at its present size, but in the belief that the Roman Catholic would one day or other be brought to their faith? Then he was not wrong in saying, that if they were in power, and attempted to keep up the Irish Church as at present, there would be one endless scene of warfare and of bloodshed, and after two or three years of vain attempts in maintaining their system, the right hon. Baronet would again have to come down to that House, and say: "My opinions are unchanged. But the truth must be told—our course of policy is hateful to suffering Ireland—intolerable to indignant England. You, Gentlemen from Oxford and other places, must renounce the opinions you have hitherto acted upon, and join in giving effect to a measure of concession and justice as large and as ample as that which was wrung from us some years back by the Catholic portion of our countrymen." Feeling persuaded, that this would have been the course of those who now opposed the Government, he thought it the better and wiser way to undertake this question at present. If Gentlemen chose to say that the Resolution involved spoliation, involved sacrilege, he would not now dispute the point with them. It was not his opinion. He thought, on the contrary, that by agreeing to this Bill, they were laying the foundation of what had not been hitherto effected—that was a permanent commutation of tithes; and he did hope, that in the course of the next year, they would settle that other more difficult question of the appropriation of tithes?

Mr. *Christmas* would not object to the new fund, though he preferred the redemption of tithes. The first Bill had not rendered this absolutely necessary. He thought the Perpetuity Fund might be applied to it, though he objected to any part of it being charged upon the Consolidated Fund. He should vote against the Bill.

Mr. *Charles A. Walker* was anxious to support the Government in the present instance, as this measure showed that they wished to make concessions, and to introduce improvements. He thought it was necessary to allow a just and fair compensation to the landlords for the burthens they were to take upon themselves. Upon this ground, he should support the Government as far as they went.

Mr. *Hodges* wished Ministers would not delay bringing in a measure to correspond with their declarations respecting appropriation. It was not, therefore, on account of the approximation of this Bill to the principle of the 147th clause, that he should be obliged to vote against them. What he objected to was the grant of a sum of money out of the Consolidated Fund. If he thought it would tranquillize Ireland, no man would be more ready to grant it than he should be; but could any one suppose that the hon. and learned member for Dublin or his friends would, directly or indirectly, give a pledge not to agitate the Repeal of the Union? It was vain to expect tranquillity in Ireland till legal provision was made there for the relief of the poor.

Mr. *Ellice* said, that if he thought the proposition now before the House was to have the effect of taking money out of the Consolidated Fund, to apply it to the uses of Irish landlords, he would join the hon. member for Middlesex in opposing it. He wished to explain what the proposition before the House was. According to the original provisions of the Bill, twenty per cent was to be deducted from what ought properly to be the rent-charge compulsorily imposed upon the Irish landlord. This deduction of twenty per cent was to be for him an inducement to undertake the voluntary payment of that rent-charge. That allowance would be made to him when that great good was effected for the public, of absolutely relieving the occupying tenant from the burthen of tithes. He could not conceal from himself the increased danger which accompanied every renewed attempt to force this wretched payment from the peasantry of Ireland. Gentlemen pretended to compare the condition of the Church in Ireland with the condition of the Church in England, and the condition of the Irish with that of the English payers of tithes; but he asked now, as he had before asked, on the occasion of the debate so often referred to, would any county in England have submitted for one year to the 10,000 tithe processes which had issued out of the Ecclesiastical Courts of Ireland? He asked Gentlemen whether any English county would, for half the time Ireland had, have endured these grievances—have submitted to see poor cottiers, labourers, dependent upon the rates, processed for these miserable three-pences and fourpences. It was to put an end to this system that the Government now stepped forward. [*"No!"*] Whether right or wrong, that was the honest intention of Ministers. He was willing to take the risk of non-repayment of this advance for the certain good it would produce, for it must be always borne in mind that not one shilling would be paid to the landlords, without previously obtaining the advantage of relieving the Irish tenant from this burthen.

Mr. *Goulburn* had but one observation to make. The right hon. Gentleman (Mr. Ellice) he (Mr. Goulburn) was sure had made the observations which he had just addressed to the House in ignorance. He (Mr. Goulburn) thought the House should understand the error committed by the right hon. Gentleman who had called upon the House to support this Motion, because it was to relieve the cottier tenants from the payment of tithes. But he must inform the House, and the right hon. Gentleman, that nothing of the kind would be attained by the Bill. The tenants who held no leases had already been relieved from the payment of tithes by the Bill of the right hon. Gentleman, the late Secretary for the Colonies. He repeated, where there was no lease, the occupying tenant was relieved from the burthen of tithes, which was thrown on the landlord. So much, indeed, had been done under this Bill, that the right hon. the Secretary for Ireland said, that in one district alone the number of tithe-payers had been reduced by its operation from 17,000 to 9,000. Those of the cottiers who had leases would get no relief whatever under this Bill. The landlord would have to pay the rent-charges to be substituted for the land-tax, but he would have the power of exacting an amount equal to what he paid from his tenants. If he understood the Bill, the landlord had the power of recovering in the shape of rent, if not in the shape of tithes, a sum equal to the limited amount he paid to the public. It was, therefore, a false and delusive statement, to say that the Bill would relieve the cottier tenant from the burthen of tithes.

Mr. *Ellice* thought, that he perfectly understood the Bill when he rose before, and the right hon. Gentleman had said nothing which induced him to alter his opinion. He (Mr. Ellice) had said, that the money would be advanced out of the Consolidated Fund to make his allowance to the landlord if he accepted the voluntary rent-charge, and one of the provisions of the Bill was to make an allowance to the tenant proportionate to the bonus made to the landlord. A landlord could only recover the same amount from the tenant that he paid himself, and this would be a great advantage to the occupiers of the soil. The fact was, that in cases of voluntary conversion of the land-tax into a rent-charge, there would be a reduction equivalent to two-fifths of the amount of tithe.

Mr. *Goulburn* said, that the right hon. Gentleman had made a statement essentially and entirely different from his previous statement. The right hon. Gentleman stated, that this plan would get rid of a system under which 10,000 processes for tithes could be served on the peasantry of a single county. Now, the fact was, that the number of processes would remain the same, so far as they were not reduced by the Bill of the right hon. Gentleman (Mr. Stanley).

Mr. *O'Reilly* said, that as he had given notice of a Motion with a view to afford relief to the cottier tenantry, he felt called upon to stand up, and contradict in parliamentary language, the statement of the right hon. member for Cambridge, that this measure would confer no benefit on the Irish peasant. He (Mr. O'Reilly) admitted, that it did not go far enough, but for what it did he thanked the Government. He intended in Committee to move, that the peasantry be exempted from the payment of tithes altogether.

Mr. *Littleton* was anxious to say a few words in reply. His right hon. friend (Mr. Stanley), if he would allow him (Mr. Littleton) to call him so, in the course of what he (Mr. Littleton) must call anything but a temperate and mild speech—had chosen to describe him (Mr. Littleton) as a thimble-rig player, in consequence of the changes that he had made in the clauses of that Bill. It certainly appeared to him that such observations were a little extraordinary, coming as they did from the greatest master of legerdemain that had ever practised on the Tithe Law of Ireland. He did not wish to say anything that could in any way be offensive to the right hon. Gentleman, but from the moment that he took up the tithe question down to the time he left the office he had now the honour of filling, the right hon. Gentleman had failed in his attempts. No individual had ever made more attempts than his right hon. friend to effect a change in the nature of tithe property, and no person had ever more signally failed. He did not bring this forward as a matter of reproach to his right hon. friend, for he had supported him in all the propositions that had been brought forward; and if his right hon. friend had failed, he shared the blame for the error with the Government and the House. But he felt bound to state, that the observations which had been made by his right hon. friend came with a bad grace from him after the unsuccessful attempts he had himself made. After all the honest and able efforts of his right hon. friend, in what situation did the property of the tithe-owner stand now? Not three weeks had elapsed since he (Mr. Littleton) had

had a bill of 600*l.* sent into his office for constructing a waggon train which his right hon. friend had got up for the purpose of transporting rapidly to a distance the more valuable effects of the cottier tenantry who were in arrears for tithes. The waggons were intended to remove the property of the cottiers to remote parts of the country, where it could be disposed of without difficulty. He (Mr. Littleton) did not blame his right hon. friend for adopting this very ingenious plan; but after he had done so, the observations which he had addressed to the House came with an exceedingly bad grace from him. The hon. and learned member for the University of Dublin (Mr. Shaw) on this as on former occasions indulged in predictions with respect to this description of property; but he was satisfied, that the predictions of the hon. and learned Gentleman on that occasion would be fulfilled with the same degree of success as his former ones. The hon. and learned Gentleman told them last year, that the clergy would never sacrifice their rights, and that, notwithstanding the state of distress they were in, they would not pollute their fingers with accepting a single farthing of the money to be advanced. Notwithstanding this prediction, not a month, ay, not a week, had elapsed after notice had been given, that applications would be attended to, than the Castle Yard of Dublin was darkened by the blackcoats of the constituents of the hon. and learned Gentleman coming forward to put in claims for an advance of money. He did not yield to any man in respect for the clergy of Ireland. He believed that they were as exemplary a body as the English clergy, and no one could entertain more sincere feelings of sympathy for the sufferings they had been exposed to than he did. When the hon. and learned Gentleman and those who acted with him blamed the Government for the course they had taken, let them consider the state of ecclesiastical property in Ireland at the present moment. Let them look to the situation in which many clergymen in the West and South of Ireland were placed in consequence of their not having availed themselves of the grant last year. He would allude to a case that had recently come before him as illustrative of the state of things he had alluded to. He would not mention the name of the clergyman, but he resided in the South of Ireland, and in consequence of being unable to collect his tithes, they accumulated to the amount of 2,900*l.* He had then a large military and police force at his disposal to assist him in the collection of his tithes, and notwithstanding all their exertions their attempts were unsuccessful. He found that it was useless to employ this force by day, as the peasantry watched them constantly, and long before the soldiers could come up to make a seizure the cattle was driven off to a distance. The plan was then adopted of sending out this force by night, but as every Irish peasant kept a dog an alarm was given on the sound of the horses' feet being heard at a distance. The consequence was, that the cattle were either driven off, or into, the houses of the people, where the law would not allow them to be seized. This clergyman then wrote to the Under-Secretary to the Lord Lieutenant, and said, that notwithstanding all his exertions, out of 2,900*l.* owing to him he had not been able to recover more than 7*l.* or 8*l.* a-day, and therefore requested an increased force, that it might be encamped over the whole property, and stated, that this was the only means of starving the cattle off. [Mr. *O'Connell:* Five lives were lost.] He recollected that five lives had been lost in the South of Ireland in some contest respecting tithes, but he was unable to state, whether it was or was not at this place. He was very unwilling to make any allusions to such a case as this, as he did not know whether such cases might not operate to the encouragement of that spirit of passive resistance which had prevailed to such an extent in Ireland. He would not have mentioned it if he had not felt that it was a duty he owed to those hon. Members from Ireland whom he believed took an erroneous view of the interests of their country. His right hon. friend had objected to abandoning the redemption of tithes by investments in land. When the investment was abandoned, it was found necessary to abandon the form of redemption. He found also, that in the present state of the money-market it was impossible to make any other arrangement than that which he had proposed. He did not concur with his right hon. friend in the opinion, that investments should be made for the clergy in land. He thought that it should be avoided if possible; but there was a strong objection in this case, namely, most of the landlords objected to a provision of this nature being made for the Church. There was another objection, that it would give a strong political influence to the clergy. This, however, was not so strong an objection if they could have satisfied the landowner. His right hon. friend concluded his able speech, for so he (Mr. Littleton) must undoubtedly call it, by censuring in the strongest terms the appointment of the Commission. No one was more anxious than himself to uphold the Irish Church, and to adopt such means as would best conduce to that end; but he was sure that no better means could be devised previous to their proceeding to the consideration of the Irish Church Question. Many of those who objected to the Commission did so for very good reasons, as they knew that it would produce a Report which would contain facts which party spirit could not stifle, and which he was sure would so operate on the honour and good sense of the country as to lead to some important measures. He was perfectly satisfied that the Report would be a most useful manual for the people of England. The measure which the Government would submit to Parliament founded on the Report would, he doubted not, be successful in its operation. On the subject of the Commission, he begged leave to read an extract from a speech made by his right hon. friend (Mr. Stanley) some years ago. It was an extract from the first speech his right hon. friend made in that House, and was on the Motion of Mr. Hume, in 1824, for an inquiry into the Irish Church, "He could state," said his right hon. friend, "that he had consulted many high dignitaries of the Church, and they were of opinion, that an investigation should take place into—not partial or narrow—the whole question of the political and moral relations of the Church, and that they should be clearly brought under view. He hoped sincerely that such an inquiry would take place. Some Commission should go forth to view with its own eyes impartially and on the spot, the bearing and influence of the Church Establishment on the condition of the people of Ireland." Such was the language of his right hon. friend, and the Commission, the appointment of which had been censured by his right hon. friend now had gone forth. There was another remark which he wished to make, and to which he requested the attention of the right hon. member for the University of Cambridge and the hon. and learned member for the University of Dublin. A paper had been circulated amongst the clergy of Ireland, and he believed had emanated from this country. He did not know whether those hon. Members had any hand in drawing up this paper, but he believed that it spoke their sentiments. The right hon. Gentleman then proceeded to read it. It was to the effect that the clergy of Ireland should consider whether they would consent to make the Government trustees for all the tithes in Ireland, or whether the clergy would consent that their friends in that House should throw out the Bill, and thus leave them in the possession of their legal and just claims to the full amount. [Mr. *Shaw:* I have never heard of or read the paper.] He did not charge the hon. and learned Gentleman with being the author of it. A communication from an Irish clergyman had been transmitted to him on the subject of this letter, an extract from which he would read to the House:—"I received a copy of a circular letter to the clergy of Ireland from the Archdeacon of Dromore, and emanating from our friends in England. On the receipt of it, I consulted several of the neighbouring clergy who were unanimously of opinion, that it was not necessary to interfere to prevent the imposition of a Land-tax, for if that were not done, the clergy would be left in a hopeless situation." His fellow clergymen concurred with him in the opinion, that the matter should be left to the wisdom of the Government and Parliament.

Mr. *Stanley* said, that as his right hon. friend had referred to some official information on a subject affecting himself (Mr. Stanley) he felt anxious to say a few words. His right hon. friend had said, that he had recently seen a Bill for constructing waggons for the removal of the more valuable property of the cottier tenants who were in arrear for tithe. He could not doubt that the right hon. Gentleman had had some information; and he could not for a moment suppose, that his right hon. friend did not believe the statement, that the goods of some cottiers had been removed by these waggons. Of course his right hon. friend could not make such a statement without having inquired into the facts. It was true that there was a waggon-train which had been employed in conveying the hay and corn of those who were well able, and who refused to pay tithes, to a place of safety. The reason they were employed was, that it was found impossible to procure carts to carry the property seized; he therefore directed, as was his duty, that the Commissariat Department should furnish waggons to convey the seized hay and corn from the lands of those who were able, but who obstinately refused to pay tithes. He had given the most positive directions that in no case should they be used other than in those he had described; and unless his right hon. friend knew better, and could speak from authority, he did not believe, that in any one case they had been employed in the removal of furniture from the cottages of the peasantry.

Mr. *Littleton* said, that he merely quoted the information communicated to him from Dublin.

The Committee divided on Mr. Hume's Amendment—Ayes 72; Noes 364; Majority 282.

The Committee divided again on the original Resolution—Ayes 235; Noes 171; Majority 64.

Resolution agreed to. The House resumed.

List of the AYES *on the first Division.*

Aglionby, H. A.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Barry, G. S.
Beauclerk, Major
Bellew, R. M.
Bish, T.
Blake, M.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Curteis, Capt.
Dashwood, G. H.
Davies, Col.
Duncombe, T.
Ewart, W.
Fenton, J.
Fitzsimon, N.
Gillon, W. D.
Grattan, H.
Gronow, R. H.
Guest, J. J.
Gully, J.
Hall, B.
Handley, Major
Hawes, B.
Hodges, T. L.
Humphrey, J.
Hutt, W.
Jacob, E.
Jervis, J.
Kennedy, J.
Lister, E. C.
Lynch, H.
Nagle, Sir R.
O'Connell, Daniel
O'Connell, Maurice
O'Connell, Morgan
O'Connell, John
O'Connor, Don.
O'Dwyer, A. C.
Palmer, General
Pease, J.
Philips, M.
Potter, R.
Richards, J.
Rippon, C.
Robinson, G. R.
Roche, W.
Roche, D.
Romilly, J.
Russell, C.
Ruthven, E.
Ruthven, E. S.
Rider, T.
Shaw, R. N.
Sheil, R. L.
Staveley, J.
Thompson, Ald.
Tooke, W.
Trelawney, Sir W. S.
Turner, W.
Vigors, N. A.
Vincent, Sir F.
Wallace, R.
Walter, J.
Wason, R.
Watkins, L. V.
Wilks, J.
Williams, Colonel

TELLER.
Hume, J.

* * *

HOUSE OF LORDS,
Monday, July 7, 1834.

MINUTES.] Bills. Read a first time:—Insolvent Debtors (Ireland); Courts of Equity.

Petitions presented. By the Duke of WELLINGTON, Lord ROLLE, the Bishop of CARLISLE, the Duke of BUCKINGHAM, Lord KENYON, the Bishop of LONDON, the Earl of HAREWOOD, and Lord STRADBROKE, from a Number of Places,—for Protection to the Established Church.—By the Bishop of LONDON and Lord KENYON, from the Poulterers of London; and from the Wesleyans of Bolton-le-Moor,—for the Better Observance of the Sabbath.—By the Duke of HAMILTON, from Arran, for Protection to the Church.—By the Earl of ABINGDON and the Earl of HAREWOOD, from Places in Berkshire and Yorkshire,—against the Admission of Dissenters to the Universities; also by the Bishop of CARLISLE, the Duke of BUCKINGHAM, the Bishop of EXETER, and Lord KENYON, from a Number of Places,—to the same effect.—By the Earl of DURHAM, and Lord DENMAN, from Dissenters at Castle Cary and St. George's in the East, and other Places,—in favour of the Dissenters.

CHURCH COMMISSION (IRELAND).] The Earl of *Wicklow* presented a Petition, very numerously signed, from the Protestant inhabitants of the parish of Kilbucar, in the county of Westmeath, praying for the revocation of the Irish Ecclesiastical Commission. The petitioners declared, that they viewed this measure with deep apprehension, and that the whole Protestant population of Ireland were greatly alarmed at it. They were the more astonished at such a measure having been adopted, since it had been stated by two influential Members of his Majesty's Government that opinions were divided on the subject.

Earl *Grey* did not know where this information came from, but of this he was certain, that no person could, consistently with his duty, disclose any circumstances that had occurred in the Cabinet. A communication had, at an early period, been received from the Lord-lieutenant of Ireland, and in consequence the subject had been taken into consideration. He did not mean to deny, that the individuals alluded to, had a right to offer objections to the step proposed to be taken, if they thought proper; but he must say, that it was irregular to state what had taken place in the Cabinet.

The Duke of *Richmond* said, that what he had said in explanation on a former occasion, in consequence of what fell from his noble friend opposite, was not stated without the express sanction of his

Sovereign. In cases of that sort, when the honour of an individual was concerned, he was anxious for the House to know that he had not stated anything without that sanction. In consequence of despatches from the Lord-lieutenant of Ireland, recommending that a Commission should issue, the subject was taken into consideration, and from that time till he left the Cabinet, he heard nothing further about it. That, he believed, was exactly what took place.

Earl *Grey* said, his noble friend's declaration, that he had received his Majesty's permission to state what he had done, was perfectly correct; but as he had received no such permission, he could not, consistently with his obligation as a Cabinet Minister, disclose what passed on the occasion referred to. He was sure, that his noble friend meant to state correctly what had happened, and he (Earl Grey) did not feel it necessary to say more than this—namely, that the question was, at a very early period indeed, brought under the consideration of the King's Ministers, despatches having been received with reference to the subject from the Lord-lieutenant of Ireland, and it was again taken up, and most maturely considered, before the measure was decided on.

BUSINESS OF THE HOUSE.] Lord *Wharncliffe* having presented a petition from the Liverpool Guardian Society for protection to trade, took the opportunity of adverting to the state of the public business in that House. They had now arrived at the 7th of July, and, as yet, very little had been done. He had hoped, that the business would have been so managed between the two Houses, that all the Bills of consequence would not have been put off till a period which rendered it quite impossible to proceed with them in that deliberate manner which measures of importance required. Very many important questions were yet to be brought under their consideration, and now they had arrived at the 7th of July. Any one of the subjects to which he had alluded would take a very considerable time to deal with it properly. In that House, they at present had the Poor-laws' Bill, which would require most laborious investigation. Then there were in the House of Commons the Irish Tithes' Bill, the Church Temporalities' Bill, the General Registry Bill, the Church-rates Bill, the Bill relative to the imprisonment for debt, and several Bills for altering the Criminal Law of the country, such as the Capital Punishment Bill, and the Punishment of Death Bill. There were also the Bill for the Registration of Votes and the Bribery Bill. All these subjects were of sufficient importance to call for the most serious consideration; and yet, at so late a period, how would it be in their Lordships power to bestow that necessary consideration on them? He could, for his own part, see nothing in the mode of doing business in the other House of Parliament to lead him to believe that the country would be satisfied if those measures were passed without due notice being taken of them in that House. That several of these measures would be beneficial, he did not mean to deny; and in the principle of some of them he concurred; but he hoped, that their Lordships would not agree to one of them as a mere matter of course, and he was convinced, that if this House did its duty, many of these Bills would not be passed this Session, on account of the shortness of time. With respect to the Poor-laws Bill, he did not believe there was one class of persons in the country who properly understood it, or who were aware of the consequences that were likely to arise from it. Should these measures be introduced this Session, he should be obliged to oppose several of them, on account of the shortness of the time allowed for their consideration.

Earl *Grey* admitted, that the measures alluded to by the noble Lord were very important. It must, however, be confessed that no time had been wasted by the other House of Parliament. They had sat, throughout the Session, from 12 o'clock in the morning until a very late hour at night; and therefore any delay that had taken place was not to be imputed to them. Some of those Bills were of such a nature that he trusted their Lordships would pass them in the present Session, and more particularly that of which it would be his duty to propose the second reading to-morrow. The noble Lord said, that the country was not aware of the principles and provisions of that Bill. That he did not think was the case. When he considered the time that had elapsed since the Report of the Poor-law Commissioners was laid before Parliament—the time that had been taken in discussing the measure in another place, and the constant communication of those discussions to the public—when he recollected that no pains had been spared, not to inform the public, but to excite the feelings and prejudices of the public against the measure—when he considered these different points, he could not think, that the public, and particularly that portion of the public who were most seriously interested in the Administration of the Poor-laws, were not aware, not only of the principles and objects of the Bill, but even of its minute details. With respect to the other Bills, a list of which the noble Lord had given, he felt that it would be hardly possible to expect some of them to be passed in the present Session. Amongst those Bills there were two for effecting alterations in the Criminal-law of the country. Those were the Capital Punishments Bill, and the Punishment of Death Bill. There was also a Bill granting counsel to prisoners in cases of felony, and also a Bill for altering the law with respect to imprisonment for debt. Of these measures he did not wish to give any opinion. He certainly was not for a general and indiscriminate rejection of these Bills; but he felt that they were subjects that ought to be extremely well considered. Alterations of so important a nature ought not to be made on the mere suggestions of individuals, but should be founded on the mature judgment of persons competent to decide on their propriety. He therefore should wish, with the noble Lord, that those Bills should lie over to another Session. There was another reason why it would be desirable to defer proceeding with those measures, and that was because, in his opinion, it was necessary before such alterations were effected, that something should be done with respect to a system of secondary punishments, to which subject the noble Lord had already turned his attention. Till some particular system could be laid down with reference to secondary punishments, he thought it would be better that such alterations should lie over. There were, however, several measures of very great importance, to which he hoped the House would pay due attention, and pass them in the present Session.

The *Lord Chancellor* said, the measures respecting the alteration of the Criminal-law, to which reference had been made, were unquestionably of the utmost importance. But there was one Bill, which respected imprisonment for debt, that it would, in his opinion, be impossible for their Lordships to pass in the present Session. Indeed, he doubted whether the other House could agree to it in this Session of Parliament; but he was certain that it was hopeless to expect that their Lordships would make so great a change in the law without very mature consideration. At the same time, he thought the object of the Bill was most beneficial. Here he begged leave to state, on behalf of his hon. and learned friend (the Attorney General) in whose hands the measure was, and in answer to complaints made out of doors—in answer to attacks that had been most ignorantly and unnecessarily launched at him, that his hon. and learned friend could not possibly have brought forward this Bill one day sooner. Those who had attacked his hon. and learned friend had gone so far as to state, that though at the time his hon. and learned friend was out of Parliament, yet he had previously been in Parliament long enough to have carried the Bill half a dozen times over. Now, how stood the fact? Parliament met on the 4th of February, and on the 20th his hon. and learned friend, having accepted the situation of Attorney General, of course vacated his seat. So that, according to those persons, there was time enough between the 4th and 20th of February to carry a measure of this complicated and difficult nature. He had introduced it the moment he had taken his seat, and it was no fault of his that the measure was not more forward. As to the Bills relating to the alterations in the Criminal-law, he agreed with his noble friend, that it was of the greatest importance that the subject should be taken up on a more systematic principle than had heretofore been the case. He could not help hoping, that the Criminal-law Commissioners, several of whom were deeply versed in this matter, and who combined sound practical knowledge with a perfect acquaintance with jurisprudence, would have their attention drawn to this subject during the ensuing vacation, and that before the next Session of Parliament they would produce a Report with reference to it. In that Report they would be able to direct the attention of Parliament to those changes that it would be proper to make, as well as to those points where change would be necessary. This would enable Parliament to legislate with much better effect. Wish respect to any delay which had taken place in the other House, it could not be attributed to any deficiency of assiduity. During the whole Session, they had sat in the morning from twelve till three; and their evening sittings extended frequently till four or five o'clock the ensuing morning. For his own part, he did not know, if they were to carry the measure to which allusion had been more particularly made, how they could possibly have done more than they had done. This was not the first time complaints had been made similar to that advanced by the noble Lord. Every Session since he had sat there, and indeed long before either the noble Lord or himself had a seat in that House, the delay of business had been a regular source of complaint. Indeed, a late noble friend of his, the Duke of Norfolk, annually made a complaint on the subject, nearly in the same words as were used by the noble Lord, and standing also in nearly the same place which the noble Lord now occupied. The Woolsack was at that time occupied by Lord Thurlow, and when the noble Duke made his complaint it was generally received with a rebuke by the Lord Chancellor. Lord Thurlow said, that they in that House had no right to know, that the end of the Session was approaching. That was a matter that concerned the Royal breast alone; and he understood from his noble friend near him (Lord Holland) that the noble Lord, his predecessor on the Woolsack, had upon one occasion called the noble Duke, to order when making his complaint. Let, therefore, the noble Lord who now complained congratulate himself that he lived in so mild a reign. He was not called to order; he was suffered to make his remarks; and it was very proper that the noble Lord should do so. He thought that what was complained of was a great evil, because in consequence of measures being introduced very late in the Session, many of them did not receive that sifting examination which the House was competent to bestow on them.

The Duke of *Cumberland* requested to be informed as to the course intended to be taken with the Non-Residence and Pluralities Bills.

The *Lord Chancellor* said, he had formerly stated, that if he found that a sufficient opportunity was not given to the clergy in the country to understand that Bill which more immediately affected their interests than it affected the interests of the right reverend Prelates in that House—if he found that, as a measure of justice towards those meritorious and laborious men, the working clergy, further time should be given them for examining the details of the measure—he would willingly afford them that opportunity by letting the Bill lie over; indeed, he was ready, if necessary, to take that course, not with respect to one of those Bills, as had been incorrectly stated, but with reference to both of them, for it would be absurd to postpone one without postponing the other.

Lord *Suffield* observed, that when it was known that crime had greatly increased, and when the Government either had not the opportunity or the inclination to take up the subject of the Criminal-law, it was a little too much to say, that no individual in either House of Parliament should stand forward to effect such alterations in the law as the public safety and security required. He meant not to impugn the conduct of his Majesty's Government, but it was a little too much to say, that if they would not do that which was right, therefore no one else should do it. The measure that related to capital punishment had been much discussed in the House of Commons. Great alterations had been suggested in it, some of them by a Law Officer of the Crown, and if that did not afford a reason why Ministers should not oppose it when it came into that House, then he despaired of finding a more conclusive one.

The subject was dropped.

SUPPRESSION OF DISTURBANCES (IRELAND).] On the Order of the Day for going into a Committee on the Suppression of Disturbances (Ireland) Bill being read,

The Earl of *Wicklow* said, he would take that opportunity, as he did not mean to propose any Amendment, to make one or two observations. On the evening when the noble Earl brought forward this Bill, he felt some surprise that the noble Earl had not alluded to the improvement in the Juries of that country to which it related. He had removed an odious clause (the Court-martial clause), for such he always considered it — a clause which nothing but the actual and urgent necessity of the case could justify. Now, when the noble Earl stated, that he had made that alteration, he expressed his surprise, that the noble Earl had not given the House any information to enable them to understand distinctly why he had taken that course. He had stated his satisfaction at the alteration, but he wished to know distinctly the grounds on which it had been made. In looking at the voluminous documents that had been laid on their Lordships' Table, he found, that neither the

Lord Lieutenant, nor the Judges of Assize, nor the Lieutenants of counties, nor the Assistant Barristers, nor the Magistrates, had given any information which could enable the House to understand on what precise grounds the alteration had been made. He hoped that information existed which could be alleged in justification of the change, and if the noble Earl stated, that he was in possession of such information, he should be satisfied, although it were not adduced. Last Session, simultaneously with the Coercion Bill, the noble Earl brought forward a measure for changing the venue for one year, and he had suggested to the noble Earl the propriety of continuing that Bill for five years. The noble Earl said, he thought it better to pass the Change of Venue Bill for one year in the first instance, as an accompanying measure to the Coercion Bill, but it would be open to any noble Lord to call for the renewal of it this Session, if it were considered desirable. Their Lordships were about to dispense with that part of the measure (the Court-martial clauses) which was last year considered so necessary; they were about to leave cases for trial in the hands of the Courts of Law, as usual; and he wished to learn from the noble Earl, whether, under such circumstances, he considered it necessary to propose the renewal of the Change of Venue Bill.

Earl *Grey* said, it was true, that the ground on which the extraordinary power of trying offences by Courts-martial was called for, consisted partly in the intimidation which prevented Juries from discharging their duty; and he was certainly liable to blame for omitting, through a defect of memory, to explain the grounds on which it was intended not only to leave out that clause, but to abstain from a renewal of the Change of Venue Bill. There were certainly no papers formally applicable to the point, among those laid before Parliament; but he could assure the noble Earl and the House, that the Government were not inattentive to the matter, and that they saw reason to be satisfied, that the powers conferred by the Protection Act might be left to the ordinary tribunals of the country. It was under this impression, and acting on the information that had reached them on the subject, that Ministers recommended the omission of the Courts-martial clauses. Among other authorities he might refer to that of Lord Oxmantown, as proposing, that offences should be disposed of by the ordinary tribunals. From the general information which reached them, and acting on the notoriety of the fact, that Juries did not hesitate to discharge their duty, Government had brought forward the Bill as it now stood. A noble Lord on the cross-benches stated, that the conduct of the Juries at the last spring Assizes had satisfied him, that the trial of offences might safely be left to the Courts of Common-law. The Change of Venue Bill was founded on the same apprehension which gave rise to the Courts-martial clauses—namely, that Juries would not venture to do their duty; but the grounds of that apprehension being now removed, there did not appear to be any sufficient reason for re-enacting the Change of Venue Bill any more than the Courts-martial clauses. Whether, in the present improved condition of Ireland, they would renew the Change of Venue Bill, it was for their Lordships to consider; but he was inclined to think that Parliament should do what it could to avoid a recurrence to such a measure. He did not at present propose to renew that Bill, but if it should appear necessary to do so, in consequence of any change of circumstances, he would not shrink from his duty.

The Duke of *Buckingham* expressed the deep regret which he felt at finding himself again obliged to concur in a Bill so much opposed to and so destructive of the best principles of the Constitution. He had stated last year, that not being able to place confidence in the Ministry of the day, he nevertheless felt bound to assent to their unconstitutional Coercion Bill, because he thought that the safety of the country required such a measure. If he felt a degree of difficulty then with respect to the Bill, it was doubled and trebled now, when the Administration was placed in hands in which he could see no security whatever for the safety of any of our establishments. He might here observe, that whatever difference might have arisen between some of the Ministers on the subject, the Marquess Wellesley (as appeared from the papers on the Table) had never ceased to express his anxiety for the renewal of the present measure. In agreeing to the Bill, he felt that Ireland was severely punished for having listened to the appeals made to her passions, and attended to the cries "to agitate," which had proceeded from various quarters the highest as well as the lowest.

Earl *Grey* said, that the noble Duke acknowledged that the state of Ireland was such as to make the re-enactment of a severe law—such he must admit the present Bill to be—absolutely necessary; but, although he acknowledged this to be a very severe law, he did not wish to hazard the excitement of an unnecessary degree of feeling against it by describing the measure, with the noble Duke, as a violation and destruction of the Constitution. He acknowledged the Bill, however, to be one of great severity, beyond the principles and ordinary practice of the Constitution, and such as could be justified only by a peculiar and urgent state of things. On this ground the noble Duke himself concurred in the measure, although he felt disposed to place less confidence now than ever in Ministers. He did not expect the noble Duke's approbation. He felt satisfied that the noble Duke consented to strengthen the hands of Ministers with powers which he admitted to be necessary, although they excited his disgust. As to the use that Ministers would make of those powers, he appealed to the use that they had already made of them, and he asked, whether the powers of this unhappy law, so he would term it, had not been exercised with the greatest moderation, though with all necessary firmness? Could there be any doubt that Ministers would act in future as they had done heretofore? But there seemed to be some strange disquiet in the noble Duke's mind, the source of which he did not well understand, for, dreading the designs of Ministers against existing establishments, the noble Duke appeared to have a latent fear, that the present measure might be turned against them, in what manner, however, was not very intelligible. The noble Duke talked of appeals in favour of agitation from quarters high and low. It was to prevent agitation and its consequences, which he (Earl Grey) had always opposed, that the present law was proposed. Of the noble Duke's confidence, he was unhappily deprived, and must bear the loss as he might; but he should persevere in doing to the utmost of his ability, and in the best way he could, his duty to his Sovereign and his country.

The House went into Committee on the Bill, the Clauses of which were agreed to.

The House resumed.

Bodies of Criminals.] Lord *Suffield*, in moving the second reading of this Bill, said, that its object was to abolish the practice of hanging criminals in chains—a practice unsuited to the present state of public feeling. Indeed, he was at a loss to find any reason for continuing such a practice, the only effect of which was, that of scaring children, and brutalizing the minds of the people. It could produce no good moral effect whatever. The object of the Bill was to repeal so much of the law as gave the option to Judges in England and Ireland to hang the bodies of certain criminals in chains, and to direct, instead, that they should be buried within the precincts of the prison. If there must be vengeance on the judgments of the law, surely burying the bodies within the precincts of the prison was carrying that vengeance as far as it ought to be pursued. The noble Lord concluded by moving the second reading of the Bill, which was agreed to.

HOUSE OF COMMONS,

Monday, July 7, 1834.

Minutes.] Bills. Read a first time:—Four Courts, Dublin; and Turnpike Acts Continuance (Ireland).

Petitions presented. By Mr. William Duncombe, Mr. Miles, Mr. Wilbraham, and Earl Jermyn, from Spilsby, and other Places,—for Support to the Church of England.—By Mr. Pelham, from Horncastle, against the Church Rates Bill.—By Mr. Miles, from Congressbury; and by Mr. F. Palmer, from Reading,—against the Amendment of the Sale of Beer Act.—By Mr. Dugdale, from Tamworth, for the issue of 1*l.* Notes.—By Mr. Dugdale, Mr. Pelham, Mr. William Duncombe, Lord Robert Manners, and Mr. Halford, from several Places,—for Relief to the Agriculturists.—By Mr. H. Maxwell, and Mr. Lefroy, from several Places in Ireland,—in favour of the Established Church of Ireland.—By Mr. R. Steuart, from Haddington, against the Bankrupts (Scotland) Bill.—By Mr. Davenport, from Wesleyans at Burslem, for Relief to the Dissenters, and for a General Registration; and by Mr. Pelham, from Manufacturers at Cleckeaton, for the Repeal of Duty on Olive Oil; and from Lincoln, for the Removal of all Restrictions on Silver payments.

Suppression of Disturbances—(Ireland).] Lord *Althorp* brought up documents indorsed "Papers relating to the state of Ireland." In moving, that they be printed, his Lordship said, that it was due to his right hon. friend, the Secretary for Ireland, (Mr. Littleton), to state, that in the communication he had had with the hon. and learned member for Dublin, (Mr. O'Connell) he had good grounds for saying, that the question regarding the insertion of certain clauses in the Coercion Bill was still under the consideration of the Cabinet. He had also good grounds for expressing his hope, that those clauses would not be inserted in it; but he had no reason whatever to state, and he (Lord Althorp) believed the hon. Member had not stated, that the opinion of Ministers had been made up for the omission of those clauses; because he had had no communication with his noble friend at the head of the Government, and had no reason to believe, that his noble friend had a doubt as to the necessity of them. With respect to the communication itself, he should not be inclined himself to say, that there was any indiscretion on the part of the Secretary for Ireland in informing the hon. and learned member for Dublin, that the question was not decided, and in cautioning him not to commit himself until he knew what was the intention of Government. As to any further communication between them, upon that he (Lord Althorp) would make no observation. His right hon. friend (Mr. Littleton) had said what he thought necessary on the subject, and he should, therefore, add nothing. It was likewise due to his right hon. friend to mention, that on Saturday he tendered the resignation of his office; but he still held it at the request of Lord Grey. Ministers were, of course, anxious that he should continue in the situation he occupied; they valued the assistance he had given much too highly to be willing to lose it. He moved, that the papers be printed.

Mr. *Hume* was extremely happy to hear, that his right hon. friend the Secretary for Ireland had been warranted in what he had said. He was not present at the time, for the matter was concluded just after he entered the House; but he was perfectly confident that his right hon. friend would stand clear in the eyes of Parliament and of the country. He was sure that his right hon. friend had intended it as an act of kindness towards the hon. and learned member for Dublin, meaning, if possible, to allay the irritation of his mind at the renewal of the Coercion Bill. He must say, however, that he regretted that any Cabinet should exist apparently so indecisive and so uncertain as to the course it meant to adopt, as to place a member of the Government in the situation in which his right hon. friend had been placed a few nights ago. He had heard with great surprise, that the renewal of the Coercion Bill was the measure of one individual in the Government, who would have resigned his situation in the Councils of his Majesty had the other members of the Cabinet not concurred with him. This might or might not be true; but he had heard, that it was entirely the act of Lord Grey, and he had alluded to the report in order to give the noble Lord opposite an opportunity of contradicting it if it were unfounded. He referred merely to the current opinion out of doors. He regretted, that Ministers went on from day to day finding time to introduce Coercion Bills, but not to fulfil any of their pledges. He would now repeat the question he had asked five times before, whether the Local Courts Bill was, or was not, to be brought forward in the present Session? That among many other measures really beneficial, was likely to be passed by, for the only measure which Ministers seemed disposed to carry through was the Coercion Bill. As far as he could see, it was the only measure, and it was so contrary to every principle on which the House ought to act, that he believed no man would have consented to support the present Government if he had not felt confident, that, instead of such a measure, plans calculated to allay irritation and excitement, and to render the presence of so large a number of military in Ireland unnecessary, would have been adopted. Ireland ought not to be treated as a conquered country, but as a part of the empire having equal laws and equal privileges with the other parts of the empire. He hoped that the papers just laid upon the Table would make out sufficient grounds on which to rest the renewal of the Coercion Bill, at a time when it was anticipated by many that the first measure of the kind would also have been the last.

Lord *Althorp*: As to the rumour that the noble Earl at the head of the Government had alone been in favour of the Coercion Bill, such statements could only be matters of mere surmise, inasmuch as the individual opinions of members of the Cabinet were, of course, never divulged: it would, therefore, be quite inconsistent with his duty to give the House any information upon the point. When the subject came under discussion, Government would be bound to give adequate reasons, or the House would not adopt the Bill. He could not admit, that the only measure Ministers had endeavoured to carry, with regard to Ireland, was the Coercion Bill, and hon. Members present must be aware that others had been pressed forward. He was sorry to be obliged to answer, that it would not be possible to bring in the Local Courts Bill this Session.

Mr. *Robinson* would not make any

commentary on what passed on the former night, but certain it was, that at one time the Government of Ireland was adverse to the renewal of the Coercion Bill. The noble Lord at the head of affairs had, however, stated, that it was brought in with the perfect concurrence of the noble Marquess; and he called upon Government, therefore, to state what had induced Lord Wellesley to change his opinion. Much stress had been laid by Ministers last year upon the opinion of Lord Anglesey, and he wished to know why a similar reliance was not to be placed on the opinion of Lord Wellesley? He wished to know whether it was true, that no longer ago than June last Lord Wellesley was adverse to the renewal of the Coercion Bill, though he had seen reason since to change his opinion?

Lord *Althorp* replied, that it was certainly true, that discussion on the subject had taken place with the Irish Government; but he was now perfectly prepared to state, that the Coercion Bill was brought in with the entire concurrence of Lord Wellesley.

Mr. *O'Connell:* One thing was manifest—that the documents upon the Table ought not to be treated lightly, but deliberately. If the liberties of the Irish people were of any value to the House or to any portion of it, it would destroy the possibility of making a flippant observation upon a partial and particular view, without regarding the bearings of the whole case. He would not enter into bygone topics; his statement a few days ago did not, in fact, differ from that of the right hon. Gentleman, and they were both before the public. How far the statements made to him were correct, was now beyond controversy; and he would not allude to them further than to say, that they demonstrated that, up to a certain day, the Irish Government was decidedly hostile to certain clauses of the Bill, and that some members of the Cabinet were opposed to their renewal. The documents were now upon the Table: whether they were the same as had been presented to the other House, he did not know; but if they were the same, they would establish that, on the 18th of April, Lord Wellesley called for the Bill—anxiously solicited for it—although on the 20th of June, he objected to its renewal. He was now again in favour of it; and it was material to know what had induced him so rapidly to change his opinion. On the 18th of April, he was for the Bill; on the 20th of June he was against it; and on the 5th or 7th of July he was once more in favour of it. Ought not this vacillation to be explained? With what indignation must the people of Ireland hear the echo of the cheers that resounded, when it was asserted, that Ministers had done nothing for Ireland but coerce her! Were the liberties of that country of so little value? Were the Irish such degraded slaves—were they so fallen below compassion, that though England and Scotland had their constitutional rights, Ireland was to have none? She was to have no liberty; she was only to have the Coercion Bill—the detested Coercion Bill! Were not the people of Ireland entitled to have the question considered, before the Coercion Bill was renewed? He turned to every part of the House, and appealed against this species of Administration. Was Ireland to be the laughing-stock of all Europe, and were the natives of that country to be dealt with as Ministers would not deal with the negro-slaves of the West Indies? They had not sent for one man to tell him one thing, and for another man to tell him another. He would not say that; but he would say, that they thought the liberties of Ireland of so little value, that they would give no explanation to justify their measures. In order to put the matter to the test, he meant to conclude with a Motion, that the papers just laid upon the Table be referred to a Select Committee. Would the House consent to adopt the Coercion Bill without previous inquiry? Were Ministers to have it merely for asking? One of the principal newspaper supporters of Ministers—who supported them because they were well paid for it—on the very day of the last discussion on this measure, had taunted the people of France that they had relinquished the power of meeting, without even the show of resistance. Were not the people of Ireland to be permitted to establish that there was no ground for the renewal? He would endeavour to obtain some satisfactory evidence, if it could be procured, and not allow the House to act upon the information and letters of some paltry thief-takers and police officers. If he could not procure this, he would show the species of anti-Irish majority that existed in this House, which supported the Minister in doing nothing for Ireland. What had he done for Ireland in the present Session? What had he attempted? The Secretary for Ireland, on a former night, had talked of four measures; but as to the Reform Bill, Ireland had been insulted by the difference made in favour of England and Scotland, and to her detriment. The striking off of ten Bishops was nothing, and because it was nothing, he had voted against it. In the Vestry-cess, there was an abatement of 35,000*l.* a-year—a mighty boon! but all that could be granted to Ireland. What had been done about tithes? The Bill was brought in in February, altered in March, and in June it was so utter a nondescript, that the Secretary at War was obliged to receive two or three promptings before he could speak of it. The much boasted Commission had not yet gone to the spot where its inquiries were to begin; but eight or ten Commissioners had been appointed, and that was all, and seemed to be thought enough. Yet the noble Lord talked of what had been done for Ireland this year. It was turning Ireland into contempt—it was laughing Ireland to scorn, when the noble Lord thus ventured to indulge himself. Ministers would think of nothing but Coercion—nothing but Coercion and delusion for Ireland. The people of Ireland could not fail to know it: they saw people keep their places, whether they were against or in favour of Coercion; and, in fact, that it was treated by Ministers as a matter of small moment. He hoped, however, that the House would not so treat it, and that it would not hesitate in acceding to his Motion for a Committee. He wanted no delay; he was ready to proceed instantly—to work day and night, but it was too late for Ministers to complain of delay when they had postponed the Bill till July. If the House had one particle of feeling for Ireland—one particle of that feeling so much vaunted, and which had been resounded from one end of the country to the other, if it had the slightest disposition to do justice to Ireland, Whig, Tory, Conservative, and Radical would all join in supporting the Motion for Inquiry. He called upon them all to demand evidence before they convicted his country. The least they could do would be to give Ireland a trial before they passed sentence upon her by passing the Coercion Bill. It was not enough for Ministers to throw their papers upon the Table. How, or when, or by whom they were concocted, he knew not; but he did know that they had changed their intentions, and that those who were once and recently opposed to it, were now in favour of the Bill. What new and strange events had occurred to produce this calamitous change? This of itself was worth inquiry, and he moved therefore "that the documents just presented be referred to a Select Committee, and that they report their opinion thereupon to the House."

Lord *Althorp* observed, that the remark of the hon. member for Middlesex, that Ministers had done nothing, was not meant by him to apply particularly to Ireland. He (Lord Althorp) had not said, and had not intended to say, that any measures had been applied specifically to Ireland. With regard to the Motion, it was not his design to concede what was required since the papers upon the Table were such as Government thought would justify the course they proposed to pursue. If, on consideration, it should appear to the House, that the documents did not warrant the renewal of the Coercion Bill, it would be rejected. Upon that test, Ministers were disposed to rest the measure, and, in justification of the renewal of the Coercion Bill, they laid the papers before the House. As to what might have occurred since the 18th of April, the proper time for stating the grounds of any change of opinion would be when the measure came regularly before the House: it would then be shown, that Ministers had not acted in the inconsistent manner which had been supposed. They had most cautiously and anxiously looked at the whole subject; they had duly considered every doubt suggested as to the extent of the measure, in order to ascertain if that extent were necessary; and he was sure, that the country would not blame them for hesitating as long as there was reason for hesitation.

Mr. *Henry Grattan* said, that whatever uncertainty might have prevailed amongst the Ministers, certain it was, that the measure contemplated to be again renewed was most unconstitutional in its character and object; and he would venture to say, that in the annals of Parliamentary history, there was not an instance in which the liberties of a whole country were treated in so cavalier a mode as it was proposed to deal with the subject on the present occasion. Before the liberties and rights of the people of Ireland were again to be trampled upon, it would be but common justice that the documents brought up by the noble Lord, and on which he would seek to justify the course of policy the Government were pursuing, should be referred to a Select or even a Secret Committee. Why should the noble Lord object to the Motion of the hon. and learned member for Dublin; or why should he refuse to state his reasons for denying this Committee? Would the noble Lord elsewhere, or the noble Lord opposite, attempt to justify thus the taking away the liberties of a people without their being heard—without trial and without inquiry? What were the facts which furnished the only argument in favour of the Bill of last year? Why, the then existing state of agitation in that country; but the argument on that ground must now entirely fall. No plan could have been adopted by the Government better calculated to increase those dissensions which so long disturbed the peace and tranquillity of Ireland, than their present attempt to truckle to both parties. He knew, that in Ireland there were some men who now speculated upon the prospects of civil commotion; but the people of Ireland would not be entrapped into any seditious proceeding, though he could tell the noble Lord what every man of spirit in that country would do—namely, that which he himself would do in the language of Lord Anglesey, he would "wait awhile." He concurred in the sentiment expressed by the right hon. Baronet, the member for Tamworth on a former occasion, that it would be much better for the two countries to be separated if they could not be kept united in the same bonds of liberty. He would add, that if the bonds of liberty were not to unite both nations, he, for one, should cry out, not for repeal, but for separation. The noble Lord opposite could not think, that the speeches emanating from the Russell family could be thrown away upon a nation which had given birth to men whose blood was as pure as that of those whose ancestors had signed the Magna Charta, and who would deprecate and condemn that Act which would deprive a nation of its liberties at the will of one executive officer of the Government. Such, however, was the present instance of legislation, and than this there never was a more monstrous system of tyranny attempted to be practised in any country. But the people of Ireland, and the Representatives of that people, were told to be satisfied. He for one was not satisfied, and he should be a tyrant and a coward himself if he participated in the satisfaction to which he, in common with the Irish people, had been invited. The course proposed by the Government was most inconsistent, for it was clear, that the noble Lord who presided over Irish affairs had respectively been for, against, and now again was in favour of the re-enactment of the measure of last year, and it was equally clear, that the Cabinet had been, and was divided in its views. He then would ask, why the Legislature was not furnished with, or ought to be allowed the opportunity of obtaining for itself such information as would justify, or otherwise, the re-adoption of the measure upon which such varieties of opinion, and so many difficulties, had manifestly arisen. Upon the information of the noble Lord, the Lord-lieutenant of Ireland, he entertained great doubts. The information had been obtained from police officers, for the noble Lord had never been further than the county of Wicklow since his appointment. The noble Lord knew personally nothing of the state of the country, and with respect to the sources from which the noble Lord's information was derived, he could state, that it had been his lot to examine many of the police officers in the county of Monaghan, and he had no reluctance in stating that he would not believe them upon their oaths. That they were undeserving of credit he should be able to prove when the debate upon the Bill came regularly before the House. He could also prove, that they had not possessed the courage to enforce the orders which were contained in the letters transmitted to them by the right hon. Gentleman (the late Secretary for the Colonies), at the time that right hon. Gentleman had filled the office of Secretary for Ireland. Was it to be supposed, that the Representatives of the Irish people could look patiently on and see measures involving the liberties of their country justified upon information acquired from such a source? Would it not be better to send the Irish Members back to tell their constituents that they had been sent to London to witness a complete farce in legislation? That would be to speak the truth. What had been as yet done for Ireland? Look at the number of petitions with reference to tithes which, up to the 2nd of May, had been presented to the House; and what had been the answer? The appointment of a Commission constituted of individuals who knew nothing of Ireland —Chancery Barristers who walked about Westminster-hall. All the information and the whole of the evidence which could be acquired was already upon the Table of the House, and the issuing of the Commission was designed merely to blind the people, and to shelter the Government—a Government which had not the courage to proceed with the 147th clause of the Church Temporalities' Bill of last year; but upon which it would now seem the Cabinet was divided. This it was, that was calculated to bring Ireland, not to civil convulsion—no, she was "waiting awhile"—but to make the people of that country deride the councils of the English Government, and to teach her that a united Legislature was incompatible with the freedom of Ireland. He was for connexion, but not for such a connexion as was now held, for it was that of slavery. There was a species of insanity in thus legislating for Ireland, leading to a political plunder of Ireland's liberties, and a provocative to rebellion. He called upon hon. Members to refer to the Irish Statute-book framed by English legislation, and a bloody book it would be found. The laws therein contained, were ample, if bloody and coercive laws could accomplish such an object, for the punishment of any violence or outrage that might from time to time ensue; and what more could be either wanted or desired, unless it was contemplated to take away the liberties of Ireland by force? It was true, that the Government had 23,000 of military, backed by 6,000 police, in Ireland; and to their reliance on the bayonets of the soldiery might be attributed their recurrence to the principles which had cashiered the right hon. Gentleman, the late Secretary for the Colonies. If they renewed the provisions of the Coercion Bill, they would only place another blot on the escutcheon of England. But had not the Government some secret motive in passing this Bill? He firmly believed that they had, and that their object was to render it ancillary to the collection of tithes. So strong was his aversion to the course pursued by his Majesty's Ministers, that he should not only persist in moving a call of the House whenever this measure was brought forward, but would take every other means in his power to oppose a proposition which, so help him God, he considered injurious to the connection between the two countries.

Mr. *Feargus O'Connor* said, that some portion of the House had indulged in laughter at the excitement of his hon. friend the member for Meath; but he believed with him, that if a similar course were attempted with respect to England that was now enforced towards Ireland, the House would present a scene of far greater excitement. When he was fool enough to assist the Government through thick and thin with their Reform Bill, though he was warned at the time, that if that measure was not accompanied by some alterations in the Act of Union, the very first thing the Reformed Parliament would do, would be to pass some Gagging Bill for Ireland, what was the result?—the Coercion Bill. Let them not—let the Government not dare to talk to him about their remedial measures, their conciliatory measures, their tithe-extinction measures. Where were they all? They were useless, they were worse than useless—they were base delusions, and they operated as such upon the people of Ireland; and when they produced their natural effect, that of enraging that already-oppressed people, they must appease them, forsooth, with a Coercion Bill. The whole people of Ireland cried out, "Give us food!" and Ministers gave them the Coercion Bill—a Bill which was a violation of every principle of the Constitution, which was agreed to as a momentary violation, which was to be withdrawn, and which, nevertheless, the Government were now, it appeared, resolved to carry in all its original rigour. Let them try to do so. Let them make their attempt, and he, on his part, would raise such a cry in Ireland as would turn them out of their seats. Let him remind his countrymen of the words of the inspired bard:—

> Then onward the green banner rearing,
> Let's flesh ev'ry sword to the hilt;
> On our side is virtue and Erin,
> On their's is the Saxon and guilt!

Let them reflect upon this warning. Let the Government reflect upon it; and let them be cautious not to pass beyond those boundaries which human nature had fixed for the endurance of wrong.

Mr. *Ellice* admitted, that there was some justification for the warmth which had been manifested in the course of the present discussion on the part of the Irish Members, but he did not mean to imitate it. He, however, could not understand what object could be gained or attained by referring the papers which had been laid on the Table by his noble friend to a Select Committee, which could not be obtained by the printing of those documents as proposed by his noble friend. The case of the Government depended upon the information contained in those papers, which, when printed, might be considered by every hon. Member before the measure came on for discussion. If the information therein contained should not then be found sufficient to justify the re-enactment of the Bill now before the other House of Parliament, then would be the proper time for the House to express an opinion upon it. By such a course, he could not but think that the House would act better for the country to which the Act was intended to be applied, than if it were now to send the documents to a Committee up-stairs, who could report their opinion only upon the matter contained in the papers themselves. All that the Government could desire was, that the whole matter should be taken into the full, fair, and calm consideration of the House—that the papers should be duly weighed and considered by every hon. Member, and that then would be the proper time for the House to declare, whether or not the measure was justified. He should avoid entering into any justification of the conduct of the Government, or to allude to the speeches which had been made on the other side of the House, as it would only add to the irritation which already prevailed. He, however, must entreat the House to accede to the Motion of his noble friend (the Chancellor of the Exchequer), and to allow the papers to be printed.

Mr. *Hume* thought, that the right hon. Gentleman who had last addressed the House, had not heard the declaration of the hon. member for Meath (Mr. Henry Grattan), that he was prepared to bring evidence of the first character to disprove the Reports which had issued from Inspectors and other officers of the police. It would be impossible for the hon. Member to do that, if the papers containing those Reports were merely printed and laid upon the Table of the House. There was a want of information in the present instance, and he put it to his right hon. friend (Mr. Ellice), whether he had ever known any Tory Administration to which he had ever been opposed, come down with a measure calculated as the Bill was, to suspend the liberties of the subjects of a portion of the realm, without affording a green-bag full of information? He (Mr. Hume) complained, that no green-bag had been produced in the present case. If such a measure were necessary, it was but reasonable that the information on which it was founded should have been submitted to the Legislature long before the 7th of July—a most advanced period of the present Session. He should be glad to know, what there was in the present question that a different course than ordinary should be pursued. It was not unreasonable that the Irish Members should desire to know on what grounds the measures affecting the dearest interests of their country were to be supported, and especially when the right hon. Gentleman, the Secretary for Ireland, had admitted, that those grounds were in some instances very slight. The course pursued in this instance was much worse even than any course the Tories ever pursued; the Tories had never started such a measure, without at least some species of inquiry, although such inquiry might have been a mere mockery. In this case, however, it was especially the duty of the Government to go into an investigation, in order at least to show, that they were not despots. It was also called for, inasmuch as 1,000,000*l.* sterling was necessary to maintain the force which was required to keep Ireland tranquil, merely because justice was not done to that country by the British Legislature. The Coercion Bill had been sought last year in order to afford time for the Government to design measures for the removal of grievances; but the failure of that measure had been foretold by every hon. Member who had opened his mouth against it, until the Government should take off the existing pressures upon Ireland. If ever the Government had been desirous to show, that they took an interest in the welfare of the country, now was the time; and they could not better evince that feeling than by consenting to send the representations contained in the documents laid on the Table to a Committee up-stairs, and thereby allow hon. Members an opportunity of disproving the allegations on which the Bill was founded. He trusted his Majesty's Government would not refuse to accede to this initiatory step towards the settlement of peace and tranquillity in Ireland. To accomplish this desirable end only required the nod of assent by the Minister in that House, and without it, he must admit, it was in the power of hon. Members to crush Ireland by those very majorities with which the Ministers was supported. He should certainly support the Motion of his hon. and learned friend, the member for Dublin.

Mr. *O'Reilly* said, that after the conduct which the noble Lord at the head of the Irish Government had pursued in respect to this Bill, he could not place much confidence in the opinion that noble Lord now entertained. As to the authenticity of the Reports of the police of Ireland, he could only say, that in 1821 and 1822 it had been declined to be acted upon by the right hon. Gentleman now presiding over the India Board, when the renewal of the Insurrection Act had been required from him at the time he filled the office of Secretary for Ireland. He (Mr. O'Reilly) had submitted to the right hon. Gentleman, now the member for the University of Cambridge (Mr. Goulburn) documents which proved the organization of a complete scheme for the disturbance of the county of Cavan, in order to induce the Government to renew the Insurrection Act, and to secure the calling out of the Yeomanry to be placed upon full-pay. Those documents were now in the Castle of Dublin, and showed the spirit in which information was sent to those charged with the Government of Ireland. He had the letter of the right hon. Gentleman, the President of the Board of Control, refusing to act upon the information in this respect, though without any new evidence to inform his mind, the then Lord Lieutenant (the Marquess Wellesley) called for the renewal of the Insurrection Act—a measure which had thus been declined by the then Secretary for Ireland and his predecessor in that office. It was, however, at length given up, as he trusted the Coercion Bill would, after the experience which the last two years had afforded. He concurred with the hon. and learned member for Dublin in desiring, that the documents upon which the renewal of the Coercion Bill was to be justified, should be referred to a Committee, because it would afford him (Mr. O'Reilly) an opportunity of examining both the right hon. Gentlemen to whom he alluded—of calling for those documents to which he referred; and also of examining the right hon. Baronet, the member for Tamworth, who had permitted the Insurrection Act to die. It was true, that the state of agitation had been the only argument in favour of the Bill, but it was impossible for the right hon. Gentleman, the Secretary for Ireland, or any other individual, to afford one tittle of evidence to show, that agitation had been kept up in Ireland to such an extent as to justify the re-enactment of such a Bill. He admitted that crimes were perpetrated in Ireland, but they originated in very different causes from political agitation. He had himself never joined in agitation since the suppression of the old Catholic Association. Yes, he had agitated the Tithe Question, as he was reminded by the hon. and learned member for Dublin, but he had not taken a part in the Repeal agitation. He, however, had never understood the extinction of tithes to mean the transfer of tithes into the pockets of the landlords; and though he might have agitated the Tithe Question, he had never written letters, and allowed others to suffer for publishing them. He had ever been ready to take his share of the consequences of his own acts, and had been willing to endure his portion of blame. He should certainly vote for the Motion of the hon. and learned member for Dublin, because that, in addition to what he had already stated, would afford him the opportunity of examining the present Attorney-General for Ireland with reference to some information furnished to that functionary by Mr. Warburton, an Officer of Police in Ireland. The fact was, that when the police did their duty, they did not get credit for it, because they sometimes overstepped the boundaries which the law prescribed for their regulation. He hoped to see the time when Ireland would not be governed by a Lord Lieutenant who was unable to supply Parliament with the information it required, but governed by a Secretary, who, standing on the floor of that House, could lay before its Members such statements as were found necessary.

Mr. *Charles Grant* said, that as the hon. and learned Gentleman had alluded to him personally, he would trouble the

House with a few words. The hon. Gentleman only did him justice in supposing, that in giving his voice in favour of a renewal of the Coercion Bill, he must be influenced by a strong and paramount conviction of its necessity. The hon. Member had been somewhat incorrect in his dates in what he had said as to his conduct in Parliament. It was in 1819, and the commencement of 1820, that disturbances broke out in Galway, and during that winter strong efforts were made to induce him to propose the renewal of the Insurrection Act, which he resisted. In 1820, the Question came before the House, and the House gave its opinion, and the Question was set at rest. The hon. Member appeared to have forgotten that he had left Ireland in 1821, when the Question about the renewal of the Insurrection Act again came forward. It was discussed in March and April, having been brought forward late in February, when he was no longer a member of the Government. Acting, then, in his individual capacity, when he could not be supposed to be in any degree influenced by the Government, what was its course? Upon consideration of the papers laid before Parliament, he did feel himself called upon to vote for the measure notwithstanding his previous impressions. He acceded to the revival of the Insurrection Act, because he was convinced, that great as were the evils which it inflicted, those which it prevented would be still greater if left unchecked. He did, therefore, concur in the measure, and not by a silent vote. His was the same course which he asked the House to take now. Here were the papers before them, and if, upon examining them, the case should not, in their opinion, bear out the renewal of the Bill, let them not pass it. But he asked them also not to adopt a course which would prevent the papers from being printed upon which the House must ultimately come to a decision before they had examined the papers placed before them.

Sir *Robert Peel* found himself called upon very unexpectedly to give a vote upon a very important question. He had not the least expectation that the papers were to be presented to-day, and, therefore, the Motion of the hon. and learned Gentleman which stood upon the presentation of the papers, had altogether taken him by surprise. Unprepared, however, as he was, he was unwilling to evade the difficulty; he should vote against the appointment of a Committee, and state his reasons for doing so. He voted for the measure last year from a deep general conviction that some such measure was necessary, and he had no reason to believe that such a change had taken place in the state of Ireland as to warrant the removal of the measure. If he voted for referring the subject to a Select Committee on the 7th of July, to make the inquiry effectual, they must summon persons from the distant counties of Ireland. But to commence such an inquiry on the 7th of July, would be tantamount to practically rejecting the Bill. He believed, however, that the Bill, or some Bill of the kind, was necessary. While, therefore, he could not, on the one hand, consent to the adoption of such a Bill without having an opportunity of reading the papers upon which the provisions were founded; yet he confessed, that on the other hand, he could not consent to a proposition which would be tantamount to the rejection of a legislative enactment which, upon the whole, he believed to be necessary for ensuring the peace in Ireland. It was the duty of his Majesty's Government, at a much earlier period this Session, to have declared their intention with respect to the re-enacting this Bill. The hon. and learned Gentleman said, that it was not his fault that this Motion was made on the 7th of July. It might be so; but as its adoption would be to postpone the measure, he could not assent to it. He must also say, that the explanations required from his Majesty's Government were those which a Select Committee could not give. The Government ought not to leave the House in doubt as to what were the opinions of the executive government in Ireland, who would be responsible for the execution of the law. What he saw in the papers before him left him no reason to doubt that it had been the opinion of the Marquess Wellesley at no distant period, that the renewal of the Coercion Act in its integrity was necessary to the security of life and ensuring the supremacy of the law. On the 15th of April, 1834, he found in the copies of the despatches printed on their Table the following words:—'These 'disturbances have been in every instance 'excited and inflamed by the agitation of 'the combined projects for the abolition 'of tithes, and the destruction of the Union 'with Great Britain. I cannot employ 'words of sufficient strength to express 'my solicitude that his Majesty's Government should fix the deepest attention on 'the intimate connection marked by the 'strongest characters, in all these transactions between the system of agitation 'and its inevitable consequence, the 'system of combination, leading to violence 'and outrage; they are, inseparably, 'cause and effect. Nor can I (after the 'most attentive consideration of the dreadful scenes passing under my view), by 'any effort of my understanding, separate 'one from the other in that unbroken 'chain of indissoluble connection.' If he searched through the English language—and the Marquess Wellesley had once been a great master of that language—it would be impossible to find stronger words than those in which that noble Lord had expressed his opinion, that predial violence was inseparably connected with political agitation. He would look at another of the documents, being the answer to the two questions put to the inspectors of police, as to whether the state of their districts demanded the renewal of the Act, and if any amendment would be required on its renewal. The answer of the inspectors was unanimous as to the necessity of the renewal; and one of them (Mr. Warburton) stated, that no amendment at all was necessary. In this, he said, all the inspectors were unanimous, and Lord Wellesley, on the 18th of April, in his despatch to the Government, added these words:—

> My Lord—I have the honour to enclose, for the consideration of his Majesty's Government, the replies of the provincial inspectors to a question which I proposed to them respecting the renewal of the Act for the more effectual Suppression of Local Disturbances in Ireland, which, if not renewed, will expire in the month of August, 1834.
>
> Your Lordship will observe that their opinion is unanimously and powerfully given in favour of the renewal of that Act.
>
> It is superfluous for me to add my entire approbation of the opinions which they have expressed, and my most anxious desire that the Act may be renewed.

He knew something of Lord Wellesley: he had had the honour and satisfaction of serving under him in an official situation, where he stood upon close and intimate connection with him, when Lord Wellesley was Lord-lieutenant, and he was Chief Secretary for Ireland; and no man could have had better means of judging whether his opinion on such a subject was likely to be lightly formed and lightly changed. Being aware that Lord Wellesley was very careful in forming, and firm in retaining, his opinion, he must say, that he never heard anything with greater surprise than the statement which had been made as to the change of the noble Lord's views, in the month of June. That he who wrote those letters of the 15th and 18th of April, could on the 18th of June have written another, recommending a totally different course upon the same question, was utterly beyond his power of comprehension. For Lord Wellesley to take such a course, when one recalled to mind the energy and firmness of his policy in India! He should deeply regret indeed, that the closing scenes of the career of such a statesman should be marked by such vacillation and indecision. For the honour of Lord Wellesley explanation was due. As that noble Lord was intrusted with the responsible government of Ireland and the guardianship of her peace, they had a right to know why it was that they found him involved in these contradictions, which he (Sir Robert Peel) was unwilling to believe were his own. There were reasons, also, of a higher consideration, which demanded that such imputations upon a public functionary should be removed or explained. If, on the 18th of June, Lord Wellesley had come to the opinion that it was possible to separate political agitation from predial violence, after having declared in language so strong on the 18th of April, that they were inseparably connected, Parliament ought to know the grounds upon which that change of opinion had been come to. For although Lord Wellesley might be prepared to take the responsibility of governing Ireland without the Coercion Act, the House should, at least, know the grounds upon which he had come to his Resolution, before they reposed confidence in a judgment which, upon the face of such transactions, appeared to be so unstable. He would say to the Government at home, that they took upon themselves a heavy responsibility for their part in the proceeding. What! when they found the Lord-lieutenant urging the renewal of the Act in the latter end of April, not in common terms, but searching the language to find terms to express his strong desire for the adoption of that measure—what prevented the Ministers from giving notice of their intention to Parliament until the 2nd of July? What had passed between them and the Irish Government during that interval? Had not the House a right to some explanations upon this head? With such an opinion entertained by the head of the Irish Government, such a course as that which had been pursued towards him must naturally have the effect of paralysing all government in that country, and divesting it of the energy indispensably required by the circumstances of the times. He felt these considerations powerfully urging him to call for investigation, if the necessary information should be withheld from the House; but he differed from the hon. and learned Member as to the propriety of appointing a Select Committee; and no temporary advantage should induce him to support a proposition that in his deliberate judgment could lead to no good result. At the same time he admitted the justice of the hon. and learned Gentleman's complaints of the treatment he had personally received, and not one word should the hon. and learned Gentleman hear from him in abatement of the just indignation which he had expressed. What was the situation in which the hon. and learned Gentleman stood towards the Government? On the first day of the Session the Government put words into the King's mouth, which he would take the liberty to read to the House. The King was made to say:—'To the practices which have 'been used to produce disaffection to the 'State, and mutual distrust and animosity 'between the people of the two countries, 'is chiefly to be attributed the spirit of insubordination, which, though for the present in a great degree controlled by the 'power of the law, has been but too perceptible in many instances. To none 'more than to the deluded instruments of 'the agitation thus perniciously excited, is 'the continuance of such a spirit productive of the most ruinous consequences; 'and the united and vigorous exertions of 'the loyal and well-affected, in aid of the 'Government, are imperiously required to 'put an end to a system of excitement and 'violence, which, while it continues, is 'destructive of the peace of society, and, 'if successful, must inevitably prove fatal 'to the power and safety of the United 'Kingdom.' These were the words of his Majesty's Ministers. They advised the King to speak to them; and who could doubt, that they were pointed at the hon. and learned Member? He thought it at the time derogatory to the dignity of the Crown, and calculated unduly to raise that individual into importance. Were the Ministers who put that speech into the mouth of the King, who said, that "To the practices which have been used to produce disaffection to the State, and mutual distrust and animosity between the people of the two countries, is chiefly to be attributed the spirit of insubordination,"—were these Ministers the same who now saw no connection between political agitation, and the "spirit of insubordination?" If so, what must be the feelings of those loyal and well-affected persons in Ireland whose united and vigorous exertions the Government had imperiously invoked on the first day of the Session, when they found on the 20th of June the same hon. and learned Gentleman who had been then pointed out to them as an object of royal disapprobation selected to receive the confidential communications of the same Government! And what must be the feelings of the hon. and learned Gentleman himself, when he found that the communication made to him to conciliate his support had only the effect of misleading him! When it was found that the Lord-lieutenant on the one side, and the loyal and well-affected people on the other side all concurred with the opinion not long ago expressed by the Ministers, that this measure was necessary; and when it was afterwards found that this united opinion was not to be acted upon, he would put it to any Gentleman conversant with the affairs of Ireland or of any other country to say, whether any Government could expect to secure to itself the co-operation of the loyal and well-affected, or the respect and confidence of any portion of the population in that part of the empire?

Mr. *Littleton* having found himself, upon a former occasion, under the necessity of making an unqualified admission of the indiscretion he had committed, he felt himself relieved from the duty of replying to that portion of the right hon. Baronet's speech which related to the communication he had made to the hon. and learned Gentleman opposite. Having done that, he was called upon to say no more upon the subject, and he should say no more upon it either then, or at any other time. The right hon. Baronet had inveighed in strong terms against the injustice and impropriety of the Government having delayed the proposal of the measure so long. With all respect he differed from the right hon. Baronet. He thought it was the duty of the Government, acting under a natural and constitutional reluctance to the bringing forward any such measure, to obtain the longest possible retrospect of the operation of the Act before they decided on its renewal. This was a principle which, he contended, entitled them rather to the approbation of the House than to its censure. With respect to the necessity of the Marquess Wellesley explaining his sentiments, he could only say, that he sent him (Mr. Littleton) the dispatches laid upon the Table of the House, and that he did about the middle of last month, after two months had elapsed from the time when those dispatches were written, and after there had been a considerable abatement of the meetings in Ireland, submit to the noble Marquess, as a confidential friend, and as the Secretary for Ireland, to consider how far that portion of the Bill which was directed against public meetings would be necessary. A correspondence had ensued, and there was much discussion between the Members of the Government here and the noble Marquess, and the result was, that it was agreed upon, that the renewal of this measure, as proposed in the other House, was desirable.

Mr. *Sheil* said, that the date of the 18th of April was important to be borne in mind as the period at which the Lord-lieutenant had recommended the renewal of the Coercion Bill. The question was, did the Lord-lieutenant change his mind before the Government resolved on renewing the Bill? They relied on the opinion of the Lord-lieutenant in favour of coercion. Did they refuse to act upon his opinion when it was against its continuance? It was evident there was something kept back. There were other documents which must be produced before the House could proceed with the measure. They had some data, but they wanted other data before they could possibly judge of the necessity for renewing the Act. What was the admission made by the right hon. Gentleman? Why, that the Lord-lieutenant had undergone a complete change of opinion in a very short time. Was that true, or was it not true? If not, then the right hon. Gentleman had mistaken—for he could never attribute any intentional misrepresentation of anything—he had mistaken the opinions of the noble Marquess. All the House had to form its opinion by was the letter of the 18th of April, and that recommended the renewal of the Bill with the Court-martial clause. But the Ministers had brought in a Bill and left that out. They were therefore, in any case, not acting upon the advice and opinion of the noble Marquess. The right hon. Baronet objected to the Motion because it was too late to appoint a Select Committee. What! was any time too late to have a full investigation as to the necessity of such an Act before it was passed? The right hon. Baronet was, of course, free to blame what he conceived would be a defeat of a measure which he conceived necessary; but would he tell them that upon such despatches as had been produced, the House would be justified in renewing the Coercion Act? If so, why did not the Government make up their minds to do it on the 18th of April? Were they not asked again and again in the other House whether it was their intention to renew it or not, and did not the hon. and learned member for the University of Dublin repeat the question in that House until the noble Lord opposite thought it had been pushed to an unwarrantable length? He could scarcely believe, that the members of the present Government had consented to the Bill. He saw before him the right hon. and learned member for Edinburgh, whose opinion the House had heard upon this Bill long before he was in office. He opposed such a Bill in 1822, and again in 1833. He confessed he was very solicitous of knowing on what ground it was, that that right hon. Gentleman would justify his support of it now; and that support given without inquiry. It was said, the object of the Bill was to put down agitation. Why, there was none. No meetings had taken place, and scarcely any disturbance. What were the grounds then? None, as would be shown if they went into evidence before a Committee. It was said, they would have no more information before the Committee than in the House. He denied it. They might demand more, and have all the correspondence placed before them.

Mr. *Littleton* said, that the hon. and learned Member seemed to insist, and not unnaturally, he admitted, on the fact of the letter of the Marquess Wellesley of the 18th of April making no exception to the Court-martial clause in the renewal. That arose purely from the Marquess Wellesley never having considered that provision as any part of the measure. It had never been acted upon, and the noble Lord looked upon it as a dead letter.

Mr. *O'Connell:* Good God! was it referred to the opinion of a man to decide whether they should have this Act renewed who had never thought the Court-martial clause worth his attention at all? Were they then to suffer such an infringement of their liberties because this nobleman could not suffer the idea to disturb his semi-regal thoughts? The Government must produce the whole evidence upon this matter, and let the House see how it stood. There was the letter of the 18th of April before them; they wanted the next of the 20th of June, and Ministers were afraid to produce it. Would that House submit to such treatment? They had not time enough to consider the Bill, but they had their majority ready to carry it through—a majority of reformed Members—not the virtual, but the actual Representatives of the people. He trusted the House would not concede what was recommended by the right hon. Baronet, the member for Tamworth. What would they gain by it? Nothing. On the contrary, they would save time by appointing a Committee to make the necessary investigation. Did the right hon. Gentleman think, that they who opposed the Bill would not discuss it word for word, and sentence by sentence. Should he not have to deal with every line of the Bill, and to submit a distinct Motion upon the tergiversations and the practices which had been resorted to to carry it? Did they think, that he should allow any means of opposition to escape, or that any other of those who represented the feeling of the people of his country would? No man who would could ever again deserve the confidence of the people of Ireland, and he would never again recommend them to it. Oh! were these the measures they were to receive at the hands of men who professed so much—who called themselves the descendants of the old Whigs, the friends of liberty, the defenders of freedom, the enemies of tyranny—who talked of having civil freedom engraved on their standard and equal rights for their principles? Yes, they had it for themselves; but they had it not for Ireland. What became now of the six hours' speech? If it had been six-and-thirty hours he would meet it now with the one fact of this Bill, and there was its answer. Oh! he should be the basest of slaves if ever he submitted to that Union. This measure no longer left a question of the Repeal of the Union. To obtain a separation of the two countries was now the duty of every Irishman, and he would employ all the constitutional means at his command to have it repealed. Their speeches would no longer prevail. He would tell them, that they might make up their fabricated Returns, they might marshal their columns of false figures—he would put the one fact of the renewal of this Bill without inquiry before the nation, and what would all their statements be worth? What country had ever cursed another as England had cursed Ireland? What country ever inflicted upon another so many evils? For the last seven hundred years she had pursued one course of robbery, burning, murder, and blood. Talk of the cruelties of Russia towards Poland! They were nothing compared to the horrors which England had perpetrated upon his country. Why did he speak this now? Because they were still going on in the same career. Yes, their hands were still stained with blood; but there was not the boldness of spoliation in their acts; they only sought now to perpetuate the degradation of his country. Much good might it do them with it. Did they think it would last? He would tell them, that it would not. If England were to go to war, but she dared not go to war, for Ireland would then be her bitterest foe, and join her arms to those of the enemy. And could any one say to Ireland, that she ought not to be the foe of England, when she was goaded to it by such treatment as she had all along received at the hands of this country? On the 20th of June she was told that she was not to be governed by coercion, and now on the 7th of July, because the Premier chose it, and the House of Commons were afraid to resist him—because they were afraid to break up the Parliament, and ashamed to go back to their constituents, though they were not ashamed to be bandied as he then bandied them, and would continue to bandy them—now, forsooth, coercion was to be enforced in all its rigorous provisions! All he wanted of the Government now was, to allow an examination to be had into their conduct in this strange affair. If they were right in what they had done, they would surely have nothing to fear from inquiry. But the fact unfortunately was, that the Government had fallen into the hands of a military police establishment, who lived on disorder and confusion, and got their monthly pay during the continuance of disturbances. These were the witnesses upon whose authority the Government now proposed to act, and those witnesses were false. The assertion of the Lord-lieutenant also, that predial disturbances were fomented by political agitation, was false. It really was too bad to have the destinies of a great people depend upon the misrepresentations of such a will-o'-the-wisp, such a creature whom he would not degrade himself by describing in his full colours. The Government appreciated his worth pretty well; they would not admit him into their Cabinet; but he was good enough for Ireland. Well, how stood the history of this affair? On the 18th of April it appeared, the Lord-lieutenant of Ireland was for the renewal of the Coercion Act, Court-martial clauses and all; on the 20th of June, he was of a different opinion, and the Court-martial clauses were to be given up; and now, on the 7th of July, the House was called upon, upon the authority of the same Lord-lieutenant, to retain those very clauses. But he (Mr. O'Connell) proclaimed it openly and unhesitatingly that those Court-martial clauses had not been given up out of respect to the Marquess Wellesley, but in a spirit of miserable truckling of one part of the Administration to another. When the hon. and learned member for Edinburgh joined the Government, it was that these clauses were sacrificed. The hon. and learned Member had undergone the ordeal of a re-election, and he might have been entertained there with a Dudley *fête*. The hon. and learned Member knew that amongst the constituency of Edinburgh there were a hundred Irish voters. [The *Attorney General:* Yes, but they all voted against me.] And they did right. They did right to vote against the prosecutor of the *True Sun:* and one who was an officer of the Crown under the former Coercion Bill. Many Scotchmen also would have been found to vote against him, had they known him as the agent of the Polonius Lord-lieutenant of Ireland. But he would not even yet despair. He had a fair reliance on the good sense and power of the instructed part of the people of Ireland. They would wait their time, which sooner or later must come; and he was happy meantime to tell them that the county of Wexford was not altogether lost to the good cause. The repealer, though not personally very popular, had gained the day. In conclusion, he would only once more appeal to the honesty and good sense of the Government and of the House. Would they grant the inquiry he asked for? Would they give him an opportunity of falsifying the interested witnesses who had so long misled them? By so doing they might give some satisfaction to his abused and suffering countrymen, but do what they could they could not crush the spirit of liberty which reigned amongst them.

Mr. *Abercromby* said, that when the proper time came he should hold himself prepared to give the reasons why he thought the re-enactment of the Coercion Act necessary for Ireland. At the present moment he would only offer a few words in remark upon one or two observations of the hon. and learned member for Dublin. That hon. and learned Member had spoken of the Court-martial clauses of the Bill as if it had been proposed by Government to withdraw those clauses in order to conciliate the opinions of the hon. and learned member for Kircudbright and himself on the occasion of their accepting office. Now such was not the case. Those clauses were never submitted either to his hon. and learned friend or himself, and could not, therefore, have met with their dissent. He certainly understood that those clauses had been previously withdrawn by the Government. It appeared that his right hon. friend the Secretary for Ireland had been for some time carrying on a correspondence with the Lord-lieutenant upon the provisions of the Bill, in the course of which some variance of opinion had manifested itself; but he believed, that in the end they had come to a full understanding and agreement upon the subject. As to the delay in bringing this measure forward, which had been alluded to as a ground for complaint, for his own part he could not but think that his Majesty's Ministers had acted a wise, a just, and humane part towards the people of Ireland in not pressing this measure forward as long as any the slightest ground existed to hope that the re-enactment of a measure so at variance with all the constitutional principles of the State might be unnecessary. They had now, however, produced papers before the House containing evidence of the necessity for such an enactment. It was for the House to consider whether that evidence was sufficient to justify such a measure of coercion; if they did not think it sufficient let them act upon that opinion, and refuse to re-enact the Bill. But at any rate do not let them appoint a Committee which could be productive of no good result in itself, and would effectually prevent the possibility of legislating at all upon the subject during the present Session.

Lord *John Russell* observed, that if anybody thought this Bill ought to be renewed without the clauses against political agitation, he considered that the particular tone of the hon. and learned Gentleman that night should undeceive him. When the hon. and learned Member was so vehement against Government for renewing this Act, he begged the House to consider what it was that hon. and learned Gentleman had agreed to in the Act of last year. He was willing to permit the peasantry of Ireland to be compelled, in certain districts, to remain inside their houses at night, and to answer when their names were called over by a policeman. This it would not be denied, was a great infringement of the liberties of the subject. And he really considered it as no further infringement of those liberties to say, that in a country where people were not allowed to be out at night, no person should have the opportunity or the power of exciting them to acts of outrage. He, for one, was not disposed to propose a Bill which should strike merely at the lower classes, and not affect those who excited them and influenced them to acts of outrage. With respect to the law itself there would be plenty of time to discuss it. As regarded the Committee, called for by the hon. and learned Gentleman, it must be for one of two purposes—to ascertain whether the accounts of predial outrage were well founded—a fact which the hon. and learned Gentleman never doubted before, or else to inquire if such a thing as political agitation had been and was again to be apprehended. Neither could that be necessary; the facts were before the world; it was notorious that agitation had gone on in Dublin and elsewhere, and who could doubt that it would be renewed? With respect to the observation made by the hon. and learned Gentleman as to the return of the repeal candidate for Wexford, he begged to say, that he was glad the Repealer had succeeded, because it took away from the hon. and learned Gentleman his only ground of complaint against his right hon. friend.

Mr. *O'Connell* begged to say a few words in explanation of what had fallen from the noble Lord who had just sat down. The noble Lord had stated, that he (Mr. O'Connell) had last year admitted the necessity and propriety of keeping the peasantry within their homes after nightfall, and placing them under the surveillance of the police. Now he had admitted no such thing. He certainly did give his consent to a clause in the Coercion Bill by which in any district which had been duly proclaimed as a disturbed one, no man was allowed to be out of his house without some lawful business; but that was a very different thing to shutting everybody up in his house, as had been alleged by the noble Lord.

Lord *Stormont* wished to put a straightforward question to his Majesty's Ministers, to which he expected to receive an equally candid and straightforward answer. He wished to inquire what were the sentiments of the Lord-lieutenant of Ireland on the 20th of June? The House had already been informed what were his Excellency's opinions on the 18th of April, and on the 7th of July. At those two dates his Excellency's sentiments were the same, but they appeared to differ from those he entertained at the intermediate date of the 20th of June. He wished, therefore, to ask, for the sake of the reputation of his Majesty's Government—ay, he repeated it, for the sake of the reputation of the Government, for, though that might be a subject of great ridicule to those Members opposite, it was not so to the country at large, who too well knew that when the government of any state lost its reputation it lost its moral strength, and that state must fall. He thought it right that the country should be informed what it was, that had occurred to induce Lord Wellesley to change his sentiments, first between the 18th of April and the 20th of June, and again between the 20th of June and the present date, the 7th of July. He thought, that in justice to all parties all letters and papers tending to throw any light upon this curious question should be produced.

Mr. *Robinson* said, that if the present question was one of a personal nature between the right hon. Secretary for Ireland and the hon. and learned member for Dublin, and he was almost afraid that it was not much else, he should have very little difficulty in making up his mind how to act. He had never yet acted in concert with the hon. and learned member for Dublin, but on the present occasion he must say, that he felt very much inclined to vote with him. It was very true, as had been urged by hon. Members opposite, that it would be a considerable inconvenience to appoint a Committee of Inquiry at so late a period of the Session. But it was not the fault of the hon. and learned member for Dublin, nor was it the fault of the House, that the question had not been brought on earlier. He must say, that from a full consideration of the importance of the question on which they were called to legislate, he should most sincerely vote for the adoption of the Amendment of the hon. and learned member for Dublin, unless his Majesty's Ministers could immediately show some reason why the Lord-lieutenant of Ireland should have changed his opinion in the way he appeared to have done about the 20th of June, or consent to lay before the House such papers as could best illustrate this singular inconsistency. It had been pretended that these papers were of a private nature; but he could not understand what was meant by private correspondence between public functionaries, and upon momentous public questions; at least he could not see why such private correspondence should be brought forward at all to influence the Legislature in their decision upon such questions.

Lord *Althorp* in reply to the question of the noble Lord (Lord Stormont) on the opposite side of the House as to what were the opinions of the Marquess Wellesley on the 20th of June, in respect to the Court-martial clauses of the present Act, and what had occurred to induce his Excellency to change those opinions, said, that the fact was, that a discussion had been entered into upon the subject of those clauses between the right hon. Secretary for Ireland and his Excellency, in the course of which his Excellency might have made use of expressions such as would justify the right hon. Secretary, with his own previously conceived notions, in conceiving his Excellency favourable to the milder course of omitting the clauses in question. For his own part he was not prepared to say, that on a perusal of the correspondence of the date referred to he should have formed a similar notion of the sentiments of Lord Wellesley. In fact he did not think that any person reading that correspondence could interpret it in that way. The hon. member for Worcester said, that there ought to be no private correspondence between public functionaries and upon public matters. But it would be perfectly impossible to carry on any Government without such confidential communication, and it would be quite impossible, consistent with their public duty, to lay such correspondence on the Table of the House of Commons any time it might be called for.

Sir *Robert Peel* felt himself impressed with the necessity of making a few observations if only out of justice to Lord Wellesley, who was mixed up in their disputes. If correspondence on public matters could always be suppressed by simply endorsing them with the word "private," here would be a very simple way of at once avoiding all inquiry. He trusted in the present case that in justice to the Lord-lieutenant of Ireland his Majesty's Ministers would see the necessity for the production of the correspondence which had been demanded. He had just sent for the printed paper relative to Kilmainham hospital, and he there found copies of letters which bore every internal evidence of having originally been of a private nature. There was one for instance, ending "In haste, ever, my dear Ellice, very truly yours." Now that was very like a friendly private letter. There was another equally free, beginning "Dear Ellice," yet all these letters had been produced without the slightest hesitation.

Mr. *Ellice* begged to explain, that all the letters in question had been published with consent of the parties.

Sir *Robert Peel* exclaimed, "That will quite satisfy me!" He had read what the noble Marquess had written on the 18th of April. He had heard what the noble Marquess's opinion was upon the 7th of July; but he was told that on the 20th of June the noble Marquess held a different opinion. They had Lord Wellesley's opinion in favour of the renewal of the Act. They asked for his opinion against it! Would they refer to the Marquess Wellesley, and ask him if he had any objection to the production of that part of his correspondence with the right hon. Secretary which might bear upon this point?

Mr. *Ellice* had only made the statement respecting the published letters as a justification of himself.

Sir *George Murray* observed, that the matter became more and more obscure, the more that was said about it by the Government, and the more reason there was for inquiry. One thing he could say, and that with perfect truth, and it was—that if this Bill were for Scotland, as it was for Ireland, nothing would ever induce him to vote for it without inquiry. Certain of the Members of the Government, indeed, had taken credit to themselves because they so long delayed the Motion upon the Coercion Bill, and because no announcement of its renewal had been given, except in the private communication by the right hon. Gentleman to the hon. and learned Gentleman to the effect, that the anxious desire of Government was, if possible, to spare the people of Ireland the infliction of this measure; but see the predicament into which the Administration had brought the House and the people of Ireland by not giving any intimation of their intention to renew the Bill until it was too late for preliminary inquiry as to the fact whether there was a necessity for the renewal or not. Under all the circumstances of the case, he felt bound to follow the example of his right hon. friend, the member for Tamworth; because he saw perfectly that if the Committee of Inquiry were granted, it would be impossible that that measure, or any such measure, could be renewed before the end of the Session. But in so doing, he reserved to himself the right of condemning any portion of the measure which he did not think necessary.

Mr. *O'Dwyer* remarked, that the right hon. Baronet, it appeared, was willing to let that be done by Ireland which he would resist to the utmost, if it were directed against Scotland. The right hon. Baronet was content to sacrifice Ireland rather than put hon. Members to the inconvenience of remaining for some time longer in town, though he would be willing to stay for months or years if the interests or the liberties of Scotland were at stake! The Government wanted to put down the question of Repeal, but that was not to be done by unconstitutional legislation.

Mr. *Gillon* agreed with the premises of the right hon. Baronet; but he differed from him as to the conclusion at which he had arrived, and he hoped the right hon. Baronet would reconsider it. He trusted that the right hon. Baronet would be induced to regard our fellow-subjects of Ireland in the same light that he did his own countrymen.

Sir *George Murray* explained, that he had not objected to the Committee of Inquiry on account of the inconvenience to hon. Members remaining in town longer than they otherwise might, but there was no time for the inquiry the hon. and learned Gentleman called for before the Coercion Act would expire.

Mr. *Ronayne* said, it was quite clear from what had fallen from certain Ministers that night, that the Coercion Bill was required by the Government, not so much for the purpose of suppressing agrarian disturbances, as putting down political agitation.

Mr. *A. Lefroy* said, that he felt impelled by a conscientious sense of duty to support the re-enactment of the Coercion Bill; but he entirely concurred in the censures which had been passed upon his Majesty's Government.

Mr. *Ruthven* said, that Ministers proposed the re-enactment of this odious measure by way of compensating the Conservatives for the protection which they afforded them.

Mr. *William Roche* said, that the renewal of the Bill was a wanton and uncalled-for act of oppression.

The House divided on the Amendment —Ayes 73; Noes 156; Majority 83.

The original Motion was agreed to.

List of the AYES.

ENGLAND.

Aglionby, H. A.
Attwood, T.
Bewes, T.
Blackburne, J.
Brotherton, J.
Buckingham, J. S.
Buller, C.
Bulwer, H. L.
Clay, W.
Dashwood, G. H.
Duncombe, T.
Fancourt, Major
Grote, G.
Guest, J. J.
Gully, J.
Hall, B.
Hardy, J.

Hawkins, J. H.
Hurst, R. H.
James, W.
Jervis, J.
Langton, Col. G.
Palmer, General
Parrott, J.
Potter, R.
Richards, J.
Rippon, C.
Robinson, G. R.
Romilly, J.
Scholefield, J.
Staveley, T. K.
Thompson, Ald.
Turner, W.
Walter, J.
Warburton, H.
Wason, R.
Whalley, Sir S.
Williams, Colonel

SCOTLAND.

Ewing, J.
Gillon, W. D.
Wallace, R.

IRELAND.

Barry, G. S.
Bellew, R. M.
Blake, M.
Browne, D.
Callaghan, D.
Chapman, M. L.
Dobbin, L.
Evans, G.
Fitzsimon, C.
Grattan, H.
Grattan, J.
Jacob, E.
Lynch, H.
Martin, T. B.
Mullins, F. W.
Nagle, Sir R.
O'Connell, Maurice
O'Connell, Morgan
O'Connell, J.
O'Connor, F.
O'Dwyer, A. C.
O'Reilly, W.
Ronayne, D.
Ruthven, E.
Ruthven, E. S.
Roche, D.
Roche, W.
Sheil, R. L.
Sullivan, R.
Vigors, N. A.
Walker, C. A.
Wallace, T.

TELLERS.

O'Connell, D.
Hume, J.

AGRICULTURAL DISTRESS.] On the Order of the Day being moved for bringing up the Report on the Church Temporalities (Ireland) Act,

The Marquess of *Chandos* rose to move as an Amendment, a Resolution on the distressed state of the agricultural interest. He had, he said, a number of petitions from Buckinghamshire on the subject of Agricultural Distress, which he should defer presenting until another opportunity. He should, perhaps, apologise to the House for again occupying their attention upon the subject of agricultural distress. But the importance of the question would, he hoped, be a sufficient justification for again introducing the present subject, and at so late a period of the Session. The smallness of the majority against his Motion upon a former occasion inspired him with confident hopes that the decision upon the present Motion would lead to a result beneficial to the agricultural interests. He was convinced, that the Government would feel themselves called upon to grant some relief—particularly as the subject had been adverted to in his Majesty's Speech at the opening of the Session. In reply to a question asked some time ago, the noble Lord opposite declared, that nothing could be done for the relief of the agricultural classes more than was already done. That declaration, he confessed, excited his regret and his surprise, after the declaration in his Majesty's Speech, and it constituted another reason for his again bringing the subject under the consideration of Parliament. When he last addressed the House upon this subject, he had to congratulate himself on having the assistance of a right hon. Baronet in the Cabinet, whose secession since had left him almost without hope that the agricultural interests had any supporters in the Ministry. When pressed to give relief to the agricultural classes, the noble Lord opposite said, that there were too measures of relief which would be submitted to the Houses in the course of the Session. The noble Lord alluded to the Poor-laws Amendment Bill, and to the Tithe Commutation Act. One of these Bills the noble Lord had certainly passed through the House, and, without at present entering into any discussion as to whether or not that Bill would ultimately afford such relief to the agricultural classes, he should simply observe, that even the relief contemplated by the noble Lord could not be afforded for some years — until after the Bill had come into full and efficient operation. Why, the very first effect of that Bill upon the farmer would be, to call for an additional outlay of money for the purpose of building workhouses. Could that be regarded as a measure of relief? Then with respect to the Tithe Commutation Bill. That Bill had been by some extraordinary arrangement, given up by the noble Lord. When he saw other classes of the people relieved from taxation, he thought it too bad, that the Session should be allowed to come to a close without some relief being afforded to the agricultural classes. The noble Lord said, he had no surplus of revenue to justify him in a reduction of taxes upon the agricultural classes. Had not the noble Lord consented to vote away large sums of money to purposes infinitely less important? Had not the noble Lord consented to grant money to the Poles—to the Danish claimants—to the Irish Church, and to Greenwich Hospital. It would not do, he could assure hon. Members, to pass this subject over as one of any secondary importance. True, a Committee had been appointed to inquire into local taxation, and he did not mean to deny, that relief might be given by the labours of that Committee. But as their report was not as yet before the House, it was obvious that any measure of relief must be distant, if it were afforded at all. He would not then enter into a detail of the distress which existed through the country. These details must be still fresh in the minds of hon. Members—for they were recently submitted to their consideration. He would only ask any hon. Member who heard him to look abroad amongst the agricultural classes, and judge for himself if distress did not exist, and to a very alarming extent, amongst the agricultural classes. Nor was that distress likely to be relieved by the drought of the present season. Relief, he thought, ought to be afforded to the agriculturists, not only from those taxes which pressed upon the farmer, but those which pressed upon the country at large. He had had an opportunity of ascertaining the opinions of many different classes upon this question, and all concurred in hoping, that the Session would not be allowed to pass over without some relief being afforded to the agriculturists. The noble Lord was about to give the farmers and labourers of England a Bill, which by many was regarded as a measure of considerable harshness; and he would implore the noble Lord not to allow the winter to pass without giving some relief to those upon whom the peace and quietness of the country so much depended. He could tell the noble Lord, that it would be impossible to maintain peace under the new Poor Act, unless the farmers were placed in a condition to enable them to employ the labourers. He would submit the case to the House, and he was sure he would have in favour of his Motion, if not a majority, at least such a minority as would show the Noble Lord that before long he would be compelled to afford relief to the agricultural classes. The noble Marquess concluded by moving, "That an humble Address be presented to his Majesty, expressing the deep regret the House felt at the continuance of the distressed state of agriculture, to which the attention of the House had been called by his Majesty's gracious Speech at the opening of the Session, and humbly representing to his Majesty the anxious desire of the House to have the attention of his Majesty's Government particularly directed to the subject, with a view to the removal of some of the pressure as to land by lightening the general and local taxation peculiarly affecting it."

Mr. *Robert Palmer* seconded the Motion. He felt quite convinced that all who were connected with or friendly to agriculture would be strongly impressed with a sense of deep obligation to the noble Marquess for the untiring perseverance and great ability with which he advocated the just interests of the farmer. Representing, as he did, a large agricultural constituency, he was naturally anxious to second the Motion, and also to support it by his voice as well as he was able. So universal was the admission of the distress under which the agriculturist suffered that it must be unnecessary for him to trouble the House with proofs of that fact. That distress had been for the first time, in as far as his experience went, fairly and fully admitted by the Government in the speech delivered by his Majesty at the commencement of the Session. The declaration contained in that Speech, was regarded by the agricultural body at large as an evidence, a promise that the Government intended to afford some considerable relief to the suffering body. He knew that in many parts of the country meetings had been devised for the purpose of petitioning the Crown and the Parliament for relief, and that those meetings had been foregone in consequence of the impression effected by the King's Speech. When that Speech went abroad it was generally hoped, expected, and believed that the Government would afford some positive and considerable relief to the farmer. He was sorry to say, however, that those hopes had been disappointed, and that in consequence great dissatisfaction had arisen in many parts of the country. The noble Lord had, on a previous occasion, admitted the distress of the farmer, and expressed his regret at not being able to relieve it by any large reduction of taxation. But the noble Lord had added, that he had measures to propose which would afford material relief; and that he considered the farmer must be relieved rather through an abatement of local taxation than through that of general taxation. One of the projected measures alluded to by the noble Lord was the commutation of tithes. He certainly thought, that if the commutation of tithes was arranged upon a fair basis, it would be a great advantage to the agriculturist; and therefore he regretted much that no such settlement had been come to. The subject had now been under discussion for two Sessions, and it was most desirable that it should be settled. Indeed, while left in its present state, it had a very injurious effect, for it was impossible for parties wishing to sell land, or parties wishing to buy, to conduct their transactions with anything like certainty and satisfaction. He hoped, therefore, that in the next Session, at all events, the present state of doubt would be put an end to. Another measure which the noble Lord had alluded to as one of anticipated relief to the agriculturist was the Poor-law Amendment Bill. That measure had now passed that House; and, although he was perfectly ready to give the Government credit for good intentions, he could not help feeling great difficulty and doubt as to the practical working of that measure. He thought so much would depend upon the persons who would have authority to put the machinery into action, that every one must entertain great doubt as to the success of the scheme. The greatest virtue, as the case appeared to him, that those who would have to put the Act into force could practise would be forbearance, for without that, and without they sought assistance and advice at the hands of the local authorities, their interference would be most injurious. Another point to which the noble Lord had adverted as one upon which relief might be afforded to the agriculturist was the county rates. Upon that subject he feared that no satisfactory result could be anticipated from the inquiries of the Committee this Session. There was yet one point to which he wished particularly to advert, and that was the conduct of the Government with respect to the Corn-laws. The cultivators of the soil did not feel any confidence from the course taken by the Government that the Corn-laws would not be assailed, and with the countenance of the Government, in the next Session of Parliament; for, although the Government had voted against the Motion of the hon. member for Middlesex, still the opposition was so slight that it gave reason to believe it promised no very long endurance. He could not say, that if, in the next Session of Parliament the Government should be induced to admit foreign corn, upon the principle which the noble Lord (Lord Althorp) and some others contended for, that it would be a benefit to the agriculturist—it would speedily be found that the complaints of the farmer would be more general and more pressing than ever. He should be most happy to hear from the noble Lord, that his Majesty's Government were prepared at once to afford substantial relief to the agriculturists; but failing that, an assurance that at the earliest practicable period assistance should be afforded would be received with satisfaction and with gratitude.

Lord *Althorp* had no intention to complain, admitting as he did that the distress of the landed interest still continued that the subject had upon the present occasion been introduced by the noble Lord to the attention of the House; in making the motion, however, the noble Lord, aware of the difficulty there was of shaping it so as to secure the support of those who on a variety of topics held somewhat conflicting sentiments, had adopted a most prudent course, by submitting it in as general terms as possible; at the same time, that was a mode of procedure to which he, in his experience on the other side of the House, had not unfrequently had recourse, and he was therefore ready to admit its perfect fairness and justice. But it was also easy for him to call upon those who supported this Motion to point out in what way they expected the relief which they demanded could be given. For his own part, he confessed it was extremely difficult, looking at the general taxation of the country, to discover those taxes which peculiarly pressed on the landed interest. He had formerly, as the House was aware stated his intention to apply himself to the examination of all those burthens which peculiarly affected that class; and, having done so, he would state to the House some of those points on which he meant to give relief, although he very much feared it might, in a pecuniary point of view, from the difficulty to which he referred, appear to many of a trifling amount. He was inclined to think, as he had stated more than once, that the severe pressure on the landed interest arose from local more than from general taxation; and that they would obtain relief, not only from the Amendment of the Poor-laws, but also from the commutation of tithes. The noble Marquess complained that he had abandoned the Tithe Commutation Bill; but any hon. Gentleman who looked at the period when he did give it up must be satisfied, that he had been induced to do so only from the extremely slight chance of being able to carry it in the present Session. That was a measure to which he had more applied his individual attention before the sitting of Parliament than to any other subject which had been introduced to the consideration of the House—indeed, if he might be allowed to say so, it was peculiarly his own measure; and if he had thought there was a probability of being able to bring it to a successful issue before the Session terminated, he should have been most unwilling to abandon it. The discussions in Committee on the Poor-law Amendment Bill had extended to so much greater length than he had anticipated (although he did not complain of the attention which had been thus occupied, having endeavoured to make as much progress as they could), that it was impossible to go on as he wished with the other measures. He did not agree with the noble Lord, or with the hon. Gentleman who had seconded his motion, in thinking that the Poor-law Amendment Bill, if passed into a law, would have little effect in relieving agriculture. He knew that in those parishes where an improved system had been adopted, relief had followed, and therefore he believed that immediate advantage and relief would result from the general adoption of that measure. Allusion had been made to the Committee on County-rates; and he was inclined to think, from what he had seen of its proceedings, that considerable advantage might be derived from some of the suggestions which had been thrown out. The recommendation particularly in relation to criminal prosecutions and the mode of charging their expenses, would be a decided improvement; it was founded in justice; and he believed considerable relief would result from its adoption to the landed interest. At the same time it would be necessary, if that recommendation should be adopted to devise a system of efficient checks in order to carry it into convenient operation, and that he feared was impossible, at this advanced period of the Session. He had been taunted, and he thought not very fairly, with the grants of money which at different times had been made; but the noble Lord was quite aware that they had been forced upon Government, and in several instances in opposition to his expressed inclination and vote. As far as the terms of the Address were concerned, he was quite ready to agree to it; but the speech by which it was introduced, and the criticisms by which it was accompanied, were certainly by no means so friendly, and as the noble Lord considered it as holding out an immediate prospect of considerable relief, he was not prepared to consent to it. The noble Lord had alluded to the surplus revenue likely to be in hand at the end of the present quarter; at the present moment, however, he could not, until the accounts were made up, state any thing very explicitly, beyond holding out a prospect that a surplus at the end of the financial year, in April, would be found. This being only the first quarter, and the accounts not being completed, it would be rash to calculate on a much greater increase. But as far as that surplus extended he hoped the House would do him the justice to believe that he would not scruple to reduce the taxation of the country. When, however, he came to apply himself to those burthens which peculiarly pressed on the agricultural population, he had, as before stated, found considerable difficulty. The first burthen which he proposed to remove was the Window-tax on farm-houses below a certain amount. [The Marquess of *Chandos:* What amount?] He was not prepared to enter into the details of his financial arrangement, his object at present was only to refer to the principles of the relief which he proposed for the agricultural interest. The details would more conveniently be entered into on another occasion. Another species of relief to rural parishes, and in reality, he thought, to the farmer, was to allow boys under fifteen years of age to be employed as household servants without being taxed as servants. That, as he had stated, would afford great relief to parishes by enabling them to employ those who otherwise would remain out of work, and the advantage would also extend in a considerable degree to the farmer. He should also propose, that husbandry horses occasionally employed in other occupations should be relieved from the tax after a certain time, that farmers below a certain amount should be allowed to use horses employed in agriculture as riding horses, and that they should have the power of occasionally letting for hire their horses, without being subject to the usual tax. He also proposed to take away the taxes on horses employed by shepherds, and on shepherds' dogs. He had stated, that he quite admitted the existence of agricultural distress, and that the duty of Parliament and the Government was to apply themselves to give as much relief as possible, and accordingly he was prepared to face the question of local taxation, to which that distress was principally owing, as liberally as he could without imposing unnecessary burthens on the public purse. The hon. Gentleman (Mr. Palmer) had complained of the conduct of the Government with respect to the Corn-laws, but every Cabinet Minister had in fact voted against the Motion for the repeal brought forward by the hon. member for Middlesex, for, looking at the state of the agricultural interest, and considering the consequences which would ensue from such a measure being only carried through that House, he had, notwithstanding his theoretical opinions on the subject, felt himself bound to vote so. He thought after the division which had taken place on that occasion, although it had been said, the object of the Reform Bill would be to entirely destroy all care for the landed interests of the country, the hon. Gentleman had no reason to complain of the state in which the Corn-law Question now stood. At all events, those who held the opinion, that it was for their advantage that the law should continue as it now stood, although he did not think they were altogether right in their opinion, had no ground of complaint against the course which Ministers on the occasion alluded to had adopted. In conclusion, the noble Lord declared his determination to oppose the Motion.

Mr. *Heathcote* approved of the recommendations of the County-rate Committee, and trusted, that if the proposed changes were not made this Session, they would be completed next. With respect to the Corn-laws, he did not think the allusions to them judicious. As the subject had been introduced, he must say, that he thought too low a ground had been taken. The Corn-laws were supported by the judgment of a large majority in that House, and by a larger majority out of it. In the county which he had the honour to represent, he knew that Agricultural Associations were generally formed, and that they had come to a determination to maintain the protection now received. As he was anxious to support the agricultural body, he should vote with the noble Marquess.

Mr. *Hume* expressed his joy at finding a fixed ground taken for the landed interest, by the hon. Member who had just addressed the House. The hon. Member appeared to think, that the people were favourable to the Corn-laws. That was a question which would soon be tried. The hon. Member too rejoiced in Agricultural Associations, and yet, when the labouring classes formed Unions, they were exclaimed against. The Corn-laws were an odious monopoly. He contended, that the land paid no taxes at all. They made the public pay 6*d*. for a loaf, which ought to cost only 4*d*., and out of the surplus, they paid what they called, exclusive taxes. The noble Lord spoke of reducing the local taxation of counties; but he begged on the part of the boroughs and towns of England to put in a claim for some portion of that reduction. Local taxation might not press to an equal extent on the borough population, as on the agricultural community, but still the former was not devoid of all claim on the noble Lord's kindly intentions. The great evil of the county local taxation originated in the gross mismanagement of those to whom its levying was intrusted. At present, he did not hesitate to say, no kind of check, or control over its levy, or indeed in its expenditure, was exercised. The Government some time ago gave hope, that the subject would receive their attention, but as yet no steps were taken to place it on a better or more satisfactory footing. He would recommend the Government not to interfere at all with it, but leave it to the country gentlemen themselves, the parties naturally most interested in the proper management of the local taxes, to make the requisite reduction in the expenditure, and to arrange a proper system of control over the collection. Of one thing, he was sure, if the Government attempted to exonerate the counties from local taxation, they would find it impossible to avoid coming before Parliament for grants of the public money. The noble Lord had been at some trouble to account for his having voted against, and spoken in favour of the Motion which he submitted to the House on the present subject, but he feared, beyond himself, the noble Lord had failed in attaining his object. All he had to say upon the point was, that if in future, instead of speaking for, and voting against him, the noble Lord would vote for, and speak against him, which he might do as often as he pleased, he would never think of upbraiding him with the apparent inconsistency of the proceeding. Upon the subject of the Corn-laws, he did hope the House of Commons would, during the next Session, see the necessity of doing justice to the people. If his Majesty's Ministers would only give him, and those with whom he coincided, fair play, he was confident a majority of that House would be found favourable to a free trade in corn; a measure which would do more for the real advancement of the agricultural interests, than all the financial projects the noble Lord had just announced.

Mr. *Cayley*, in commencing his observations, said he was very sorry to differ with his noble friend the Chancellor of the Exchequer. The hon. member for Middlesex had attacked the Agricultural Associations, and had adverted to the Unions. But he would beg leave to ask, whether a great distinction was not to be drawn between those Associations which met for the purpose of petitioning Parliament peaceably on the subject of their distress, and those Unions which paraded the streets in formidable array. The agricultural interest, he maintained, was taxed by low prices. And the hon. Gentleman proceeded to read a Letter which had been written by an operative of Manchester, which said, that the anti-Corn-law men dared not call a meeting in that town, because they knew that if they did, they would be defeated—that the operatives there were not to be gulled; and that they knew, if such tax were taken off, they (the operatives) would derive no benefit, as the money would go into the pockets of the master-manufacturers, instead of their own. To show the animus which directed certain persons, the hon. Member said, that that very morning they had a witness before the Committee on the hand-loom weavers, who, having expressed a wish, that the Corn-laws should be done away, was asked, whether, in such an event, he might not be as much prejudiced in respect to his home custom, as he would be benefited by foreign trade in corn? To this, he replied, that certainly the feeling was, that such was the agricultural strength in the House of Commons and the House of Lords, that the operatives confidently expected the result would be, that the agriculturists would complain of the reduction of the interest of the National Debt. He thanked the noble Lord for his intention to take off the duty on shepherds' dogs, because it was a vexatious tax. He believed, that nothing but relief from taxation would be of use, and he hoped that local taxation would be reduced. He would also call the attention of the noble Lord to the tax on memorials for registration, in the counties of York and Middlesex. There was a strong impression abroad, that foreign corn was smuggled into this country through Jersey and Guernsey, and that it was smuggled in through certain channels, from the United States, &c.; and he wished his right hon. friend, the President of the Board of Trade, would look to this matter. It had been urged, as an objection to the Resolution of the noble Lord, that it would lead to no practicable result; but he thought its effect would be, to show that that House were resolved, at all hazards, to protect the agricultural interest, it would give great satisfaction to the country. Low prices, were the cause of the pressure—a fact which was stated in a petition which he had hoped to have presented to the House. The agricultural interest wanted higher prices; and the two alternatives left were, either to elevate prices, or to effect a reduction of taxation. He knew this was an unpopular doctrine—and that there was only one doctrine more so, and that was, political economy. The hon. Gentleman here referred to some of the evidence given before the Agricultural Committee, to show, that that interest required relief. If the labourers expected relief from any other source than that of the capital of their employers, they were mistaken. He thought, that an increased silver currency, and allowing the issue of paper 1*l.* notes, managed under proper restrictions and safeguards, would be an advantage to the country. He prayed the noble Lord to do something efficient for the landed interest, for otherwise, he believed, that disaffection would rise up in this country, and that the Government would be vested in other hands than those in which it was now placed, because they would lose their seats from disappointing the hopes of the landed interest.

Mr. *Baring* thought the agriculturists of the country owed a deep debt of gratitude to the noble Marquess for again bringing under discussion the condition of their interests, endeavouring once more to extract from Government some promise of relief. The distress of the farming population had now continued for a longer period than distress had ever previously been endured, and it became in consequence the more necessary that the attention of the Legislature should be earnestly and forcibly directed to it. Than the degree of relief just promised by the noble Lord, nothing could be more unsatisfactory, nay, nothing could be more insulting. The distressed condition of the agricultural interest at the commencement of the present Session had been deemed of such importance as to be worthy of mention in the Speech from the Throne; and, notwithstanding that circumstance, and notwithstanding the noble Lord (the Chancellor of the Exchequer) was, up to the present time, unable to say, that the condition of that interest was improved, or improving, it appeared that all which they had to expect from his Majesty's Ministers, was the repeal of the tax on shepherds' dogs. Undoubtedly the relief which the noble Lord proposed giving was something; but it could not for a moment be expected to satisfy the farmers, who, more especially since the recognition of agricultural distress both in the Speech from the Throne, and in the speeches at various times made by Ministers, very naturally expected that some portion of the noble Lord's financial savings would have been appropriated to their relief. The noble Lord repeatedly promised, that as soon as the finances of the country permitted it, the agricultural interests should be relieved, but unfortunately when the proper time for carrying the promise into effect arrived, either from forgetfulness, or from a desire to stop the mouths of some more clamorous claimants, the noble Lord invariably passed over the agriculturists, and turned his savings into different channels. Whether the noble Lord was or was not sensible of this breach of promise, he could not positively say; but it would appear that the noble Lord was sensible of it, for, although the proper period had long since elapsed—up to the present hour the noble Lord had shirked—he (Mr. Baring) could not use a more appropriate term—making any exposition respecting the taxation of the country, and, apparently fearful lest some financial statement should be required of him before the surplus revenue was exhausted, he had commissioned the right hon. Gentleman, the President of the Board of Trade, to announce the intended reduction of several taxes. Now, he thought the agricultural interests had great reason to complain of such treatment. Every practicable reduction in taxation, ought, under the peculiar circumstances of the case, to have been applied to those taxes which pressed on the farming population; and when the Bill embodying the Resolution agreed to the other night was brought in, he would certainly give it every opposition in his power. Than the Resolution for the reduction of taxation, to which he alluded, anything more futile in itself—or directed to more useless objects—could not, in his opinion, have been framed; and he confidently expected the public would, ere long, be of the same opinion. When the great mass of the agricultural population were in a state bordering on starvation, the attention of his Majesty's Ministers was directed to the reduction of the duties on the dry fruits imported into the country. When the great interest of agriculture was threatened with a ruin which it could only escape by a speedy, nay, he would say, an immediate reduction of taxation, down came his Majesty's Ministers to Parliament and proposed, that the duties on currants, raisins, and olive oil, should be reduced. If he (Mr. Baring) were called on to select out of the whole list of Customs duties the reduction of which would give the least possible relief to the public, he declared on his honour, he would have named those selected by the right hon. Gentleman, the President of the Board of Trade. With the exception of the duty on oil used in manufactures, not one of those proposed to be reduced would benefit the community. With that sole exception they belonged exclusively to articles of luxury, alone consumed by the wealthier classes. Whenever the Bill came before the House, he repeated he would give it every opposition in his power, and he would, at the same time, attempt to show that the regulation which would allow of the exportation of British coal to countries competing in manufactures with England was not only ill-advised, but extremely dangerous. He would be prepared to contend, that the selection announced by the right hon. Gentleman was, under all the circumstances, the most wanton and absurd that could possibly have been made. To the speech the noble Lord had made that evening, he had listened with the greatest attention. All he would say of it was, that it was perfectly in character with its predecessors on the same subject. Although the noble Lord did not vote against the agricultural interests, he took good care on every possible occasion to do them as much injury as he possibly could by the speeches with which his votes were accompanied. On no occasion did the noble Lord omit to say, how very little the agricultural interest was in his opinion entitled to protection. Taking this circumstance into consideration, and also taking into consideration the fact that it was in the power of the Government by the exercise of its influence in that House to command a majority on any question brought before it, he thought it was not surprising that the landed interest of the country should look with jealousy and mistrust, as well on the Ministry who could so far control the action of the House of Commons, as on the House of Commons which permitted itself to be so blindly led by the Ministry. How far the noble Lord conscientiously discharged his duty in so frequently availing himself of his chance power to meet every question with a prepared majority of two to one he left it to himself to determine. It was undoubtedly true, as stated by the hon. Member who spoke last, that the great difficulty under which the farmer laboured, was insufficiency of prices. He could not, however, agree with him in opinion, that the farmer would be benefited by such a change in the currency as would make him receive for a quarter of corn eighty pieces of silver, each of the value of sixpence, instead of receiving for the same quantity, as at present, forty pieces, value one shilling each. The increase in the supply of corn from Ireland, and the price at which the growers of corn there were able, owing to the cheapness of labour and the absence of poor-rates, to send it into the market, had tended much to increase the distress of the English farmer. The hon. member for Middlesex had complained of the farmers forming associations; but in his humble opinion, nothing could be more harmless than those very associations. The topics discussed at their meetings related exclusively to agricultural pursuits; and if the hon. Member would trust himself at one of them, he would soon be convinced of their superiority in every respect over the meetings of town societies. They had at all events one merit at least in his eyes, on no occasion was treason or doctrines tending to the injury of any other class in the community ever broached among their members. Allusion had been made to the price of French corn in contrast with that of English growth; but he cautioned the House against being led away by the argument which was founded on the difference. The public papers were teeming with articles founded on this comparison; but he knew well from what party such articles sprung. They originated entirely with those who sought to disturb the existing laws; but who, in their eagerness to attain their object, never thought it worth while inquiring how far the arguments they used were based on a solid or defensible foundation. The difference between the prices of French and English corn he took to be very trifling, all things considered. In the northern parts of France—at Rouen and at Havre—the average price of corn was 40*s.* per quarter, while in England it was 47*s.* or 48*s.*; but when it was taken into consideration that the taxation of the latter country was nearly double that of the former, it must appear that prices were not as high in England as in France. In France, moreover, the prices were constantly fluctuating, while in England they remained for the most part constant. The great misfortune attending the taxation of the farmer was, that his taxes were for the most part of a character not immediately reducible by Parliament. Nearly all the high roads of the country, the maintenance of the police, the execution of criminal justice, the support of the Church, were charged upon the farmers. The Parliamentary taxes were small in amount as compared to the local taxes, and yet the farmer contributed quite as much to the State, if not more than his town neighbour. It was urged, that the price of bread ought to be made as low as possible. He thought so too; but still he would caution the House not to reduce its present amount in compliance with the demands of those who, as soon as they obtained their professed object, would turn their combination to secure a participation in luxuries not necessary for their comfort or station. While on the subject of the Corn-laws, he would take the opportunity to observe, there was a subject connected with them well worthy of more attention than his Majesty's Government seemed disposed to afford it: he meant the general belief that foreign corn was surreptitiously imported in large quantities as the produce of Canada and the Channel Islands. Although the right hon. Gentleman denied, that there was any ground for the rumour, he felt called upon to say he believed the fact was as stated. Indeed, if proof were wanting of the fact, at all events as far as the Isle of Man was concerned, it was to be found in the circumstance, that several establishments in that island, which, a few years ago, were worth nothing, had of late years become extremely wealthy. It might be true, that no very great amount of corn found its way surreptitiously into England; but if only a single quarter made its way in such a manner it spoke very much against the system, and demanded the serious attention of the proper authorities. As far, at all events, as the Isle of Man was concerned, he repeated, the case was capable of proof, and he submitted that a restriction should be imposed either on foreign corn imported into that island, or on all corn exported from it to England. He was not just then prepared to say how far the islands of Guernsey and Jersey were chargeable with the surreptitious introduction of foreign corn; but he believed it was an ascertained fact, that both those Islands sent into England the whole amount of their produce, and depended upon the foreign markets for a supply for home consumption. Such a proceeding might not be illegal; but it certainly was in direct contravention of the spirit and intention of the Corn-laws. The intention of the law in sanctioning the introduction of the Channel Island produce was to afford a market for the excess of produce over the home consumption, not that the entire produce should be exported to England, and that the home consumption of those Islands should be supplied by the foreign market. With regard to Canada, a similar cause of complaint existed. In the year 1828, Canada did not send more than 4,000 or 5,000 quarters of corn to Great Britain, while at present it contributed no less than 100,000 quarters. Such an increase could only be accounted for by what in his own mind he was satisfied was the fact; namely, that the United States supplied by far the greatest portion of it. Surely, however, such was not the intention of the Corn-laws in sanctioning the introduction of Canadian grain? The agriculturists had a right to look with jealousy towards a Government that could permit such a system, and was formed upon a theory correspondent with it. It was impossible for men to divest themselves of the notion that this subject could not be looked after very closely by those who did not approve of protecting duties. He had many doubts if any pains were taken in Canada to prevent the corn coming from the United States being shipped for England. It was impossible to provide against this course of trade, unless the bonding system were to be introduced into Canada. Where there was a boundary of 1,200 miles it was impossible to prevent such a violation of the law. If it were really the intention of Parliament that no protection should be afforded to the agricultural interest, let Parliament at once say so; but if the law said the reverse, it was the duty of the Government to see, that the law was respected and duly enforced. In the Isle of Man, in the Channel Islands, the Isles of Guernsey and Jersey, and in the colony of Canada, would be found a case in point. The noble Lord had brought in a Bill last year on the subject of Commutation of Tithes which had died a natural death, and he had brought in another this year which would meet with the same fate; and therefore he would say, that the noble Lord had raised expectations throughout the country that he had not realized. The noble Lord thought to meet all difficulties by his Bill for the alteration of the Poor-laws. He agreed with the noble Lord that that great measure, however it might ultimately work for the general good, could not have an immediately beneficial effect. It could not, in the first instance, effect a reduction of rates, for at its commencement it would impose upon every parish the necessity of a considerable outlay. The noble Lord was mistaken with reference to this Bill. The noble Lord had said, that the system which his Bill was to introduce had been partially tried, and that it had been found to work well in small parishes; but the noble Lord ought to reflect that when it came to be applied to the whole of England it would prove impracticable. If the system had been applied in one single parish what had been its effect? It had made the poor shift for themselves, and had obliged them to move into other parishes; but if the Bill were to be tried universally throughout England, it would be impossible for the poor to move from parish to parish, or to provide for themselves. It was, therefore, fallacious to argue that because the system worked well in an isolated parish, it was applicable to the country at large. After the manner in which agricultural distress had been introduced into the speech at the opening of the Session, he conceived that the House might do great good in sending up the proposed Address to the Crown. It would show his Majesty who, in his Speech, had met the House with an expression of his sense of the distresses under which the agricultural interests laboured, that nothing had been done to relieve those distresses, and he thought it would only be becoming in the House to express to his Majesty a hope that these distresses might yet be remedied.

Mr. *Fryer* reprobated the course pursued. Nothing could be done to benefit the country unless they left the tiller of the soil a fair proportion of its produce. If the tiller of the land improved the land, it was but fair that he should have the reward. Agriculture was not flourishing. The capital of the farmer had diminished, and the labourers could not be employed. What was the reason of this? This was the question. Ay, the question. Why was it so? Why was it so? Why, because the farmers' contract had been made in paper-money, which had been alteredin value by a certain Bill. The landlords had kept the farmers to their bargains. ["*No, no!*"] He said, yes, yes. He maintained that they had. They puffed themselves off for reducing rent this per cent, or that per cent; but this was only to prevent their being obliged to rescind the contracts. The Corn-laws were not repealed only because rent must be kept up; but what had the people to do with rents? The people had nothing to do with rents, mortgages, and debts; no, nothing to do with the national debt. The national debt belonged to the landlords, and the people had no right to be called upon to pay it. The landlords deceived the tenants by holding out to them that the Corn-laws would keep up the price of corn to 80*s.* a quarter. Every thing had been taken away from the working classes, in order to give to the drones. Then came the remedy to reduce tithes; but the House had rejected this, and yet when the proposition was made to rob the poor by the Poor Law Bill, the House received it with acclamation. The Lord Chancellor said to the nobility take care of your estates. He said to the nobility pass the Poor Law Bill, and they would lose their estates and their lives. The poor in open day would set ricks on fire in sight of each other. The people were ripe for rebellion; they were ripe for incendiarism. What should he say to the people? Some hon. Member said 'Coercion; they would not submit to Coercion; they would fight against it. There would be a Revolution; there was 16,000,000*l.* in the savings' banks, and a demand for gold would cause a stoppage of payments." There was but one way for the House to proceed—to throw overboard the agricultural interests; he meant the landowners. The House had to look to the people, and not to any partial interest. The only way to make the agriculturists again prosper was to make them independent of the landlords. Whether they repealed the Poor-laws or not, nothing would save the owners of poor lands. The Corn-law was a wicked Bill. It was an offence against God and man; a crime which ought to be punished.

Mr. *Gisborne* had always pressed upon Government the necessity of removing those taxes which pressed upon the land. The landed interest had been enamoured of its burthens, whilst they were a plea for claiming protection. Now they wished to get rid of their burthens, he should like to know if they would be equally willing to get rid of the protection? He recollected the speech which had been made by the right hon. Baronet, the member for Tamworth, upon the subject of agricultural distress. He had represented himself as taking a walk with the farmer, and in which their attention was called to all subjects around them, and upon an investigation, in the course of their discussion, it was proved, that there was not one article, which the farmer consumed from the manufacturer, that was not more highly protected than agricultural produce. He (Mr. Gisborne) contended, that the smuggler was the great benefiter of mankind. He was the only corrector of absurd and injurious commercial protection.

Mr. *Hawes* said, that if an answer were wanted to the speeches at present delivered by some Members of the House, all that was necessary was to refer to the speeches of the same hon. Members previous to the year 1828, which generally contained a complete answer to their arguments. Thus he found, that on the 25th of April, 1828, an hon. Member, now a great landed proprietor, and the Representative of a large agricultural constituency, but then a great merchant, and the Representative of the borough of Callington, was represented to have said, in speaking of the provinces of Holland, 'They were still populous, and 'had once been extremely opulent and 'powerful as a manufacturing nation; 'nor let hon. Gentlemen ever forget, that 'from that opulence and power, they had 'declined absolutely from levying enormous 'duties upon the corn consumed by their 'subjects. The same fate, resulting from 'the same cause, as irresistibly awaited 'this country as one day succeeded another. 'As to the talk about high prices, the 'danger of our present system arose, not 'from positive, but from relative prices. 'He owned he was amazed at the course 'which so many Gentlemen had pursued 'upon this question. How was it possible 'that any men, having the powers of 'reasoning or reflection, could come down 'to that House, day after day, and talk 'about protection to corn, protection to 'wool, protection to oak bark—the difference meanwhile in the price of bread 'between Great Britain and the Continent 'being, as the difference in favour of the 'latter, between 25*s*. and 64*s*. How is it 'possible, that they should expect we 'could go on exporting manufactures, as 'we now did, to the amount of between '50,000,000*l*. and 60,000,000*l*. a-year, 'there being this frightful disproportion between the relative prices of corn among ourselves and our continental neighbours.'* If he, connected as he was with manufactures, were to make such an observation, it might possibly be attributed to interested motives; but in supporting such doctrines, he could protect himself under the distinguished sanction of the hon. member for Essex. The hon. Member went on to say, 'Heartily did he wish, that 'some man among them, with honesty in 'his heart,' would come down and tell 'them plainly, it was their duty to consider, 'not how they might get in their own 'proper rents for that particular year or so, 'but how the country was to subsist with 'its establishments for the next twenty or 'fifty years. But, on the contrary, he 'declared with pain, that whenever the 'Corn Question came on for discussion, 'it was argued by them on the most selfish 'and narrow-minded principles, that any 'Legislature ever condescended to listen 'to.'* He fully agreed with the hon. Member, that the country was sacrificed to selfish and narrow-minded views; and he would say no more than that he opposed the doctrines of the hon. member for Essex by those of the hon. member for Callington.

Mr. *Baring* explained, that the speech alluded to had been made by him, not in opposition to a protecting duty, but in resistance of a demand to augment the then rate of protection. He did not now possess a single acre of land that he had not possessed in 1828, and therefore he could have no interested motives for the view he had just taken of the subject.

Mr. *William Peter* said, that though he did not believe that the agricultural distress was either so overwhelming, or so universal as had been described by the noble Marquess, still he feared that it did prevail in many parts of the kingdom, and to a considerable degree. Widely as Gentlemen might differ about cause and remedy, there could be little doubt, he regretted to say, as to the existence of the fact. Various causes had been assigned for it. In some of the petitions then lying on the Table, it had been ascribed to free trade—to the system of bonding and warehousing foreign corn without payment of duty—and to the great importation of cattle and grain from Ireland. In other petitions, with more reason, the causes stated were taxes, tithes, poor-rates, and currency; and some of these, more especially taxes, currency, and mal-administration of the Poor-laws, might, without doubt, have been, more or less, accessory to the evil. But there was likewise another cause—one which he had not yet heard assigned, but which had much to do with the present distressed state of the agriculturists—he meant a bad system of husbandry—a reluctance on the part of farmers to adopt improvements and to keep pace with the times. No doubt but agriculture had everywhere more or less improved, but not in proportion to the improvements which had taken place in other arts. What would have been the situation of our miners and our manufacturers, had they advanced no faster? Why, instead of being in their present comparatively flourishing condition—instead of enjoying, as they did, the markets of the world—they would have been, he did not hesitate to say, in even a worse state than any of the agriculturists. He was confirmed in this view of the case by what he had himself seen in different parts of the country. He had seen lands enjoying every natural advantage—a good soil—a good climate—a good situation—and yet with all around, landlords, tenants, and labourers—all discontented, all impoverished and wretched. Again, he had seen other lands, possessed of few or none of these advantages, where the picture was altogether the reverse, where the landlords were receiving their full rents, the tenants growing rich, and the labourers employed and happy. He had visited one large district in particular, the soil of which was naturally poor, and fifty years ago did not average to its proprietor 5*s*. an acre, but which now returned more than 20*s*. an acre. And yet there was not a single complaint. The landlord, the occupiers, and labourers, were all equally satisfied and happy. The former stated, that there was not a shilling of his rents in arrear; the latter said, that although they had heard of distress in some parts of England, they knew nothing of the kind in their neighbourhood. Now, to what was this striking and extraordinary difference in different parts of the same island to be attributed? Why, chiefly, to the difference of the mode of husbandry. In the one case, there had been introduced a new and improved system; in the other, all the vices of the old system were still allowed to prevail. In the one, by improved machinery, and more skilful labour, they had not only reduced the expense of cultivation, but they had multiplied their produce, increasing it two, three, and in some cases, even fourfold; in the other, they had improved little, or not at all, but had gone plodding on in the ways of their fathers—enemies to all change—trembling at every breath of innovation. This alone would, in a great degree, account for the different condition of the agriculturists in different parts of the kingdom. And if Gentlemen would but refer to the evidence given before the Agricultural Committee last year, they would find that the greatest distress uniformly prevailed in those districts where there had been least improvement in husbandry. With respect to the prices of agricultural produce, Gentlemen had no right to complain. Wool and cattle sold well. It was true that corn had been low; but he did not see how its price was to be raised except by severer monopolies, which no free country—and especially a manufacturing and commercial one—would be found quietly to submit to. There were already complaints enough against the Corn-laws, without rendering them still more obnoxious to the people. But though the price of corn could not be augmented, the quantity might. By a better system of agriculture than that which prevailed throughout three parts of the kingdom, the land, he was confident, might be made to produce two or three bushels, where it now returned only one; and thus would the farmer be enabled, by the increased quantity, to compensate himself, in some degree for the diminished value of his produce. But whilst he thus contended, that much of the distress was to be imputed to the fault of the agriculturists themselves, he was not insensible to the hardships of their situation, and to the difficulties with which they had, in many instances, to struggle. There were local and general burthens to a fearful amount—there was the interest of an immense Debt—a Debt rendered doubly grievous by the alterations which had taken place in the value of the currency. All these, no doubt, pressed heavily upon national industry, and contributed more or less, to the distress under which agriculture, in many parts of the kingdom, had been so long labouring. But whilst he admitted and deplored these evils, he did not see things in that gloomy and desponding view which had been taken by one of the hon. members for North Yorkshire (Mr. Cayley). However grievous our burthens, however aggravated the sufferings of the people as described by that hon. Gentleman and other Members in the course of the debate, he (Mr. William Peter) was not amongst those who would ever despair of the fortunes of his country. Had any one, in the reign of Queen Anne or George 1st, or even fifty years ago, ventured to foretel the present state of affairs, had any one spoken of the burthens, of the 800,000,000*l.* of Debt which we were destined to endure—how would his prophecies have been derided!—how would he have been taunted with the utter impracticability of the thing, with the impossibility of the people ever being able to sustain one-half of the burthen! Fortunately, however, our resources had gone on increasing with our wants. The progress of invention—the improvements in machinery—the discoveries in the arts—the increase of production,—had, in most instances, kept pace with the demand, and enabled us to meet and bear up against the increased difficulties of our situation. But he trusted that the time was not far distant when we should see those difficulties greatly mitigated and reduced—when with a wise and economical administration of affairs at home, and a free and enlightened system of commercial policy abroad, we should behold this country, so long the foremost in military valour and renown, equally distinguished for the internal condition, for the comfort, the moral intelligence, and contentment of its population. When he considered the intimate connexion between agriculture, and commerce, and manufactures, and when he saw the vast fields which were opening on our industry and speculations in all quarters of the globe; when he looked at South America, rescued from the dark thraldom of ages—emerging from intestine war—and settling down into just and tranquil Government;—when he looked at the vast regions of the East—at countries with such population, with such extent of coast, and with such resources, as India and China—when he saw these vast, these boundless regions, unbarring their golden portals to the spirit of British Enterprise—opening their harbours to our ships—and their markets to our manufactures—he would say, that however grievous our existing burthens, however difficult, in many respects, our present situation—we could not, we ought not to, despair of the fortunes of our country. With respect to the propositions of the noble Marquess (the Marquess of Chandos) they were so vague and indefinite, and so little calculated to promote the object which the noble Marquess professed to have in view, that, even if he had not heard the speech of the Chancellor of the Exchequer, he should vote against them. He saw no practical benefit or result to which the proposed address could possibly lead. There were two sets of theorists on the subject of agricultural distress, both of whom he thought equally erroneous. There were some political economists, who thought to relieve the agriculturist by throwing all inferior soils out of cultivation; there were others again, the anti-economists, as they styled themselves, who called for new Corn-laws and severer monopolies, in order to keep those soils in cultivation. With both these sets of speculatists he ventured to disagree. He thought them both equally mistaken. He thought, that with a gradual diminution of general and local taxation, with a better administration of the Poor-laws, with a fair commutation of tithes, and above all, with an improved system of husbandry, he thought, that agriculture might again lift up her head, and that few soils would be found, which might not, under such circumstances, be made capable of yielding a due and grateful return to the capital, the industry, and the skill of their cultivators.

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* Hansard (new series) xiv. p. 154.

* Hansard (new series) xiv. p. 154.

Major *Handley* said, that he should be surprised if the noble Lord (Lord Althorp) entertained the opinions which he expressed. If he did entertain such opinions, the agriculturists were insulted with a cruel mockery when a sentence was inserted in the King's Speech expressing his anxious wish to relieve them from distress. He had seen the observation made in a certain periodical, that the King's Speech was like the Royal touch in the King's Evil, namely, a panacea, and the insertion of a few words in it was sufficient to remove distress. Probably the noble Lord entertained this opinion. The noble Lord promised in the early part of the Session that some relief should be afforded by the remission of taxes pressing heavily on the agricultural interests, and that relief would also be afforded by the change in the Poor-laws and by the commutation of tithes. What relief had been afforded to that interest by the remission of taxes? The effect which would be produced by the alterations in the Poor-laws was doubtful; certainly any relief from that source would not be immediate. The commutation of tithes was likely to afford relief, but that had been thrown overboard, and there was no probability of its being carried into effect. The noble Lord might afford relief in some respect, namely, by putting a stop to the present system of surcharges. This evil prevailed to a great and most vexatious extent in his part of the country. He recollected that in his county (Lincolnshire) an innkeeper bought an old carriage of a gentleman, which he used as a postchaise. He forgot to erase the armorial bearings, and the consequence was, that he was surcharged for armorial bearings. He should support the Motion.

Mr. *Methuen* felt anxious as the Representative of a large agricultural county to state the reason why he could not support the Motion. He was on all occasions anxious to promote the benefit and advantage of his constituents; but he could not support this Motion because it was in a great measure a party question.—[" *No, no.*"] Hon. Gentlemen might say " No;" they were right if they believed he was in error, but it was his conscientious belief, and on that account he should oppose the Motion.

Mr. *William Duncombe* thought, that the imputation cast upon his noble friend (the Marquess of Chandos), and those who supported the Motion, were the most unjust that could be uttered. [Mr. *Methuen* had not imputed motives to any hon. Member.] He understood the hon. Gentleman to charge the noble Marquess with having brought forward the Motion for party purposes, and of course all, according to the hon. Member, who voted for the Motion were actuated by the same views. He (Mr. Duncombe) rose to deny the truth of any such imputations—and to say, that the charge was most unjust; and he was convinced that if there was one man more than another who was actuated by high and pure motives in his public conduct it was the noble Marquess. His noble friend had not brought forward the Motion to benefit the landlords, but the farmers, and he deserved the thanks of the country for his conduct. He thought the repeal of the Malt-tax was well worthy the consideration of the Chancellor of the Exchequer. The noble Lord had given the House to understand that he was favourable to the repeal of the Corn-laws; but would the noble Lord vote for the repeal of the Corn-laws, as long as the agricultural portion of the country was so much more heavily taxed than the other classes? The whole amount from the Malt-tax that went into the Exchequer was 5,000,000*l.*, and at the same time not less than 12,000,000*l.* was taken from the pockets of the people. Taking into consideration the vexatious interference in the manufacture, the repeal of that tax was both politic and just. It could not be repealed during the present year, but he trusted that another year would not pass over without something being done. If they consented to repeal the duty on the importation of corn they must, as a matter of justice, repeal the Malt-tax. Until he saw a disposition on the part of the Government to relieve the agricultural interests from taxes pressing so heavily on them, he should oppose all change in the Corn-laws.

Sir *Robert Price* did not suppose, that the Motion had been brought forward with any party feelings, but he did not think that any advantage would attend their agreeing to it at the present time. At that late period of the Session it was utterly impossible to repeal any taxes, either local or general; but he thought that it was most satisfactory that his noble friend (Lord Althorp) had promised to consider the Report of the Committee on Agriculture, and see whether he could not grant some relief. Under these circumstances it was hard to press him. He would not go the length of saying, that this was a party question, or brought forward for any party purposes, but he must say, that he looked upon it as an *ad captandum* question, in order that certain individuals might have to say, " See how the noble Lord and his political friends have voted in favour of the agricultural interest, and see how that vote was negatived by the Ministerial side of the House." On these grounds he could not support the Amendment, and still less as he believed that it could not produce any practical result.

Mr. *Walter* said, that having voted against a previous Motion of the noble Lord's of a somewhat similar tendency, he hoped he might be permitted to explain his reason for voting in favour of the present proposition. It was simply because the present Resolution was more definite and specific in its nature. It proposed to diminish agricultural and, he hoped he might add, every other species of distress, where it existed, by the diminution of taxation. With respect to general taxation, he had no doubt but that it might be materially reduced if the House, in compliance with the call and the necessities of the country, would undertake the task in a more energetic and decisive manner than it had hitherto done. He was less sanguine about local taxation, though many schemes had been suggested on that head; but he had seen none yet which promised much relief to the ratepayer: nor did he apprehend that any general relief could be procured by a mere transfer of local taxation to general taxation. This would not be a diminution of burthens but a shifting of burthens. He also considered that there were too many projects afloat for taking off minor taxation, and clapping the charge upon the Consolidated Fund.

Mr. *Plumptre* said, that he would vote for the Amendment of the noble Lord; for unless the House upheld the agricultural interest, it must go to ruin.

Major *Keppel* said, that in voting against the Amendment of the noble Marquess, he must protest against its being supposed that he was at all inimical to the agricultural interest. No man was more anxious for the promotion of that interest than he was, but he did not think that the present Motion could affect it practically in any way. He acknowledged the great distress of the agriculturists, and had anxiously hoped to have heard some remedy suggested; he had heard none. The speeches in favour of the Motion were as vague and delusive as the Motion itself.

Mr. *Hodges* said, that at this time he thought the Motion ill-advised, as he considered it improper to disarrange the financial operations of the year, and on that account he would oppose it; but he hoped that before next Session the Government would take into its consideration the necessity of affording some relief to the country by a diminution of the duty on malt.

The Marquess of *Chandos* said, that at that hour, and after the discussion which the subject had undergone, he did not feel it necessary to trespass on the indulgence of the House by any reply to the remarks of those hon. Members who had taken a different view of the question from himself, but he must beg leave to deprecate the notion that he had brought forward this proposition from any party motives. He had not on the present, or on any occasion, introduced the subject from party motives.

The House divided on the Amendment moved by the Marquess of Chandos—Ayes 174; Noes 190: Majority 16.

List of the AYES.

Aglionby, H. A.
Agnew, Sir A.
Arbuthnot, Hon. H.
Archdall, M.
Ashley, Lord
Astley, Sir J.
Attwood, M.
Attwood, T.
Balfour, J.
Bankes, W. J.
Barnard, E. G.
Baring, A.
Baring, H. B.
Barry, G. S.
Beauclerk, Major
Bell, M.
Bernard, W. S.
Blackstone, W. S.
Blake, J.
Bruce, Lord E.
Bruce, C. L. C.
Brudenell, Lord
Buckingham, J. S.
Bulwer, H. L.
Burton, H.
Calcraft, G.
Calvert, N.
Campbell, Sir H.
Campbell, Sir J.
Cartwright, W. R.
Cayley, E. S.
Cayley, Sir G.
Chapman, A.
Christmas, W.
Clayton, Col. W. R.
Clive, Hon. R.
Cole, Hon. A. H.
Cole, Viscount
Corry, Hon. H. L.
Curteis, H. B.
Curteis, Capt. E. B.
Dare, R. W. H.
Darlington, Earl of
Denison, W. J.
Dillwyn, L.
Duffield, T.
Dugdale, W. S.
Duncombe, W.
Dundas, Capt.
Durham, Sir P. H.
Eastnor, Viscount
Egerton, W. T.
Ferguson, Capt.
Finch, G.
Fitzsimon, C.
Foley, E. T.
Forester, H. C.
Fox, S. L.
Freemantle, Sir T.
Fryer, R.
Gaskell, H.
Gillon, W. D.
Gladstone, T.
Gladstone, W. E.
Gordon, Hon. W.
Goring, H. D.
Grimston, Lord
Guise, Sir B. W.
Halford, H.
Hall, B.
Hallyburton, D. G.
Handley, B.
Handley, H.
Handley, W. F.
Hanmer, Sir J.
Hanmer, Col.
Hardinge, Sir H.
Hawkes, E.
Hay, Sir J.
Hayes, Sir E.
Heathcote, G. J.
Henniker, Lord
Herbert, Hon. S.
Herries, J. C.
Hill, Sir R.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Hume, J.
Hurst, R. H.
Inglis, Sir R.
Irton, S.
Jermyn, Earl
Jervis, J.
Jolliffe, H.
Jones, Captain
Kennedy, J.
Kerrison, Sir E.
Lefroy, A.
Lefroy, T.
Lemon, Sir C.
Lennard, Sir T. B.
Lennox, Lord W.
Lincoln, Earl of
Lowther, Hon. Col.
Macnamara, Major
Manners, Lord R.
Martin, T. B.
Maxwell, H.
Maxwell, J. W.
Murray, Sir G.
Nagle, Sir R.
Neale, Sir H.
Norreys, Lord
O'Connell, Daniel
O'Connell, John
O'Connell, M.
O'Connor, F.
Palmer, C. F.
Parker, Sir H.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Penruddocke, J. H.
Perceval, A.
Philips, M.
Pigott, R.
Plumptre, J. P.
Pollock, F.
Poulter, J.
Price, R.

Rae, Sir W.
Reid, Sir R. J.
Rickford, W.
Rider, T.
Roche, W.
Ross, C.
Ruthven, E. S.
Ruthven, E.
Sanford, E. A.
Scarlett, Sir J.
Shawe, R. N.
Simeon, Sir R. G.
Sinclair, G.
Spry, S. T.
Stanley, E.
Stewart, Sir H.
Stormont, Viscount
Talbot, C. R. M.
Talbot, James
Thompson, Alderman
Thompson, P. B. R.
Tower, C. T.
Townshend, Lord C.
Trelawney, Sir W. S.
Trevor, Hon. G.
Tyrell, C.
Tyrell, Sir J.
Verner, Col. W.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Villiers, Viscount
Vincent, Sir F.
Vyvyan, Sir R.
Wall, C. B.
Walsh, Sir J. B.
Walter, J.
Watkins, L. V.
Welby, G. E.
Whitmore, T. C.
Wilks, J.
Williams, Col.
Windham, W. H.
Winnington, Captain
Wynn, C. W.
Young, J.

TELLERS.

Chandos, Marquess of
Palmer, R.

PAIRED OFF.

Burrell, Sir C.
Daly, J.
Dick, Q.
Fleetwood, H.
Hope, Hon. Sir A.
Ossulston, Lord
Smith, T.
Wood, Colonel T.

CHURCH TEMPORALITIES (IRELAND).] The Original Question, "That the Order of the Day for receiving the Report of the Church Temporalities (Ireland) Act, be now read," was agreed to, and the Resolution reported as follows:—

Resolved,—That it is the opinion of this Committee, that any defect which may arise in the funds accruing to the Commissioners of his Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the provisions of any Act which may be passed during the present Session of Parliament, and applicable to the payments to be made under such Act, to the parties now entitled to tithe compositions in Ireland, shall be advanced and made good out of the Consolidated Fund of the United Kingdom; and that so much of the money so advanced as shall be applicable to any payments to be made to ecclesiastical persons, shall be repaid out of the monies arising to the credit of the Ecclesiastical Commissioners for Ireland, in the Perpetuity Purchase Fund account, to be kept by the said Ecclesiastical Commissioners, pursuant to the provisions of an Act passed in the last Session of Parliament, intituled "An Act to alter and amend the laws relating to the Temporalities of the Church of Ireland."

On the Question that the Resolution be read a second time,

Mr. *Hume* said, that he should oppose the Motion for agreeing to the Resolution; and he thought that every hon. Member who voted for the last Motion, for an Address to the Crown praying for a general reduction of the taxation of the country, was bound to support him in this instance. The landed interest, as well as every other class of persons in the community, would be greatly relieved by a general reduction of taxation, for taxation affected all interests alike. The Government had no right to call upon the people of this country to contribute to the support of a sinecure Church Establishment; and he repeated, that those who supported the last Motion were bound to vote with him on the present occasion. He hoped the House would not consent to make any such grant out of the Consolidated Fund for any such purpose as that to which this money was to be applied.

An *Hon. Member* denied that the Motion of the noble Marquess meant a reduction of taxation generally.

Mr. *Hume* insisted that it did.

The *Hon. Member* asserted that it did not. The reduction of taxation proposed by the noble Marquess had reference only to the landed interest, and, therefore, the word "general" was a humbug.

Mr. *Curteis* said, that for his part he never would, and he was satisfied his constituents never would, consent to pay any portion of the Irish tithes. He was bound to give such a proposition every possible opposition, and he must say, that he thought it most unjustifiable to call on the people of England to pay any portion of a burthen which ought to fall exclusively on the landlords of Ireland.

The House divided—Ayes 181; Noes 106: Majority 75.

The Resolution agreed to, and the Committee on the Tithes Bill (Ireland) directed to make provision accordingly.

LORD'S DAY OBSERVANCE (No. 2).] Mr. Poulter moved the third reading of the Lord's Day Bill (No. 2).

Mr. *O'Dwyer* objected to the third reading of this Bill being brought on at that late hour (half-past two).

Mr. *Tooke* also objected to proceeding with the Bill at so late an hour.

Mr. *Poulter* said, he should persist in his Motion.

Mr. *Tooke* moved, that the third reading be adjourned to Monday next.

The House divided on this Motion—Ayes 39; Noes 19: Majority 20.

The third reading was then fixed for the ensuing Monday.

List of the Noes.

Baines, E.
Baring, F.
Brotherton, J.
Ewing, J.
Forster, C. S.
Hardy, J.
Harland, W. C.
Hughes, W. H.
Inglis, Sir R.
Jerningham, Hon. H.
Langdon, Hon. C.
Littleton, Rt. Hn. E. J.
Pease, J.
Perceval, Colonel
Plumptre, J. P.
Sandon, Lord
Sheppard, T.
Vyvyan, Sir R.
Williams, W. A.

TELLERS.

Cayley, E.
Poulter, J.

HOUSE OF LORDS,

Tuesday, *July* 8, 1834.

Minutes.] Bills. Read a first time:—Religious Assemblies.—Read a second time:—County Coroners.—Read a third time:—Securities (Ireland); Four-per-Cent Annuities.

Petitions presented. By the Earl of Malmesbury, Lord Skelmersdale, the Earl of Haddington, the Earl of Winchilsea, Lord Farnham, the Duke of Gloucester, the Duke of Wellington, and Lord Bexley, from various Places,—for Protection to the Established Church, and against the Claims of the Dissenters.—By Lord Farnham, from various Places in Ireland, for the Preservation of the Privileges guaranteed to the Protestant Church of Ireland at the Union.—By the Bishop of London, from Shopkeepers of London, in favour of the Sabbath Observance Bill.—By the Earl of Malmesbury, from St. Mary's, Whitechapel; and from St. Martin's, against the Poor-Laws' Amendment Bill.—By the Earl of Powis, from Salop, for Relief to the Agriculturists; from Nettlestead, Salop, for an Alteration in the Sale of Beer Act, and against the Admission of Dissenters to the Universities.—By Lord Wynford, from Astbury and other Places; by the Earl of Haddington, from Broadway and Ewelme Dorsetshire, with the same Prayer.—By the Earl of Liverpool, from Lindfield, in favour of the Poor-Law Amendment Bill.

Privileges of the Peers.] The Earl of *Winchilsea* said, that he had a petition to present, to which he called their Lordships' particular attention. It was in favour of the Established Church, and came from Dissenting congregations meeting in the city of Dublin; it was signed by 500 individuals; and he wished it to be read at length, as he had reason to believe that it spoke the general opinion of the Dissenters of Ireland.

The Clerk proceeded to read the petition; when he came to a passage in the petition in which the petitioners alluded to the reported sentiments of an exalted personage connected with his Majesty's Government—namely, that "the spirit of the age must be followed," and further, "that certain individuals of the Roman Catholic religion, who had sworn not to use any political power which might be granted to them to disturb or overthrow hereafter the Protestant religion, had not adhered to that oath."

Earl *Grey* desired the passage to be read again, which having been done, the noble Earl said, it could not be doubted, that this petition referred to certain expressions that were used by him in that House. To allude to such expressions was contrary to their Lordships' privileges, and therefore he was of opinion, that the petition could not be received.

The Earl of *Winchilsea* contended, that it was the right of the petitioners to animadvert on any expression that might fall from the noble Earl or any other individual in that House, and which had gone forth to the public, especially if they conceived that it was likely to affect great interests in the State.

The *Lord Chancellor* said, he should not discharge his duty to their Lordships, as Speaker of that House, if he did not dissent entirely from the doctrine of the noble Earl. Nobody was more ready than he was to give credit to the noble Earl for the candour which he evinced on all occasions, and he would rely on that candour for having a proper interpretation put upon the few words which he should offer to their Lordships. It was a breach of the privileges of that House to make known the sentiments of any of its Members; therefore no person, strictly and legally speaking, could learn what was transacted within those walls except by their Lordships' votes. It was clear, then, that nobody had a right to publish their proceedings, and still less to comment on them. This, however, in reality took no right from the King's subjects, because if they chose to couch or draw up their petitions with a little more dexterity, they could evade (and he was sorry for it) their Lordships' privileges, just as effectually as their Lordships exposed themselves by the publicity of their proceedings to animadversion. With respect to remarks made at out-of-door meetings, or comments in pamphlets or newspapers, nobody ever thought of objecting to them; but it was not consistent with their privileges to receive petitions in which their expressions were thus noticed. This was the doctrine on which he acted last night when he presented the petition of John Lawless. He then stated, that he could not allow that petition to be received, because it contained a passage from a speech delivered in their Lordships' House.

The Earl of *Winchilsea* admitted, that the doctrine laid down by the noble and learned Lord was correct; but he objected to its being only partially acted on. He could not see why that which was allowed to be given to the public might not be quoted in a petition. If it were declared, that not one word of their proceedings should go out to the public, he could understand the principle, and he would bow to it; but if they allowed their proceedings to be used in one respect, he could not conceive why they should not allow the same latitude in another. If acted on at all, let the principle be acted on generally. He certainly was not aware that the words alluded to were in the petition when he presented it. He laid it before their Lordships as emanating from a body of Dissenters who expressed their anxiety to support the established institutions of the country.

The *Lord Chancellor* said, the difference between the mere publication of their proceedings and the noticing them in a petition was this—they shut their eyes on what appeared out of doors—they had no right to know anything about it; but when matter of this nature was inserted in a petition, it was thrust directly into their faces.

The Bishop of *Exeter* said, if this petition had expressly recited any words as having been used in that House by a Member of the House, such a proceeding would be irregular, and it ought to be rejected; but the petition did not state that they were uttered by a Member of that House; and though the noble Earl claimed them as his, it did not follow that other persons might not have advanced the same sentiments. For his own part, he had no doubt that the petitioners alluded to what had occurred in that House; but, while he respected everything that was connected with their Lordships' privileges, he thought that in a case of this nature, when a petition related to a subject the most precious—the subject of religion—their Lordships ought to be very tardy in rejecting a petition on any other than the most indisputable grounds. But, supposing that this petition did not recall any words which had been used in that House, or by any Member of that House, still he thought that the petition must be rejected on another ground, because (though the passage had not excited the notice, or called forth the animadversion, of the noble Earl) the petitioners charged certain Members of the Imperial Parliament with perjury. That was the part which, in his opinion, rendered the petition unfit to be received by that House. He therefore should not object to its rejection on the latter, but not on the former, ground.

The Earl of *Shaftesbury* stated his conviction, that consistently with their Lordships' privileges, the petition could not be received.

The Earl of *Winchilsea* had no doubt at all about the fact, that allusion was made in the petition to what had been said by a Member of that House, where the expression "the spirit of the age must be followed" was quoted; but let the House consider the situation in which they were placed, when they allowed their sentiments to be noticed in one shape and not in another.

Earl *Grey* said, he had never been willing to stand in the way of any petition; and in this instance he was not inclined to make an objection on his own account. He had noticed the matter, lest a precedent might be established for permitting allusion to be made in petitions to what had occurred in that House. With respect to what the right reverend Prelate had stated, he did not think that it removed the difficulty. The right reverend Prelate said, that it was not expressly set forth in the petition that the words quoted were used by a Member of that House, but he affirmed the proposition, when he stated that the words were of such a nature as to leave no doubt on his mind that they had been used by a Member of that House. Now, in a Court of Common law, if it could be proved to the satisfaction of the Court and Jury, that the general meaning and intent of certain words were such as to leave no doubt that they had been used in a certain place, and on a certain occasion, such evidence was deemed conclusive. When those words were used which had been referred to, the individual who used them was speaking in the discharge of his duty in that House. It therefore appeared to him, that with a due regard to their privileges, they could not receive this petition. With respect to the other point of which the right reverend Prelate had taken notice, he did not put the same construction on the passage as the right reverend Prelate had done. The allegation there made was quite general. The petitioners alleged, that certain persons professing the Roman Catholic religion had acted in a manner contrary to their oath, which bound them not to use any power that might be granted to them for the purpose of overthrowing the Protestant religion. Such a statement was too vague to be noticed.

The petition was withdrawn.

SUPPRESSION OF DISTURBANCES (IRELAND).] Earl Grey rose to postpone until to-morrow the Order of the Day for taking into consideration the Report of the Irish Coercion Bill.

The Duke of *Buckingham* expressed his surprise at the postponement without any reason having been assigned for taking such a course. It must be in the recollection of their Lordships, that the day had very nearly arrived when the Bill now in existence would expire. They had been told of the absolute necessity for the renewal of that Bill as soon as possible, and now a delay was requested. It had been rumoured that doubts at one time had arisen as to the necessity which existed for passing this Bill; but it had since been collected from other sources, that the necessity was admitted still to exist. A delay of even twenty-four hours was important with reference to a measure which was stated to be indispensable for the preservation of the security, safety, and peace of the country. He was surprised, that the noble Earl had offered no explanation on the subject, and he felt that the noble Earl was bound, under the circumstances of the case, to state some reason for his very extraordinary request.

Earl *Grey* said, that if, by the delay of twenty-four hours, the safety of the country was likely to be affected, that certainly would be a sufficient reason to justify the noble Duke in calling for an explanation. The short way, however, to meet that point was, to state his conviction that the delay called for could have no such effect. He did not think it possible, that the noble Duke could conceive that he would, at this period, ask even for a day's postponement of the measure, without having sufficient reasons for doing so. Those reasons, however, he must decline stating at that moment. But, in moving for the discharge of the Order of the Day, he would state, that he was as strongly impressed as he ever was with respect to the necessity of passing this measure in its present form, with all its provisions and all its powers. He hoped, therefore, that their Lordships would extend to him that indulgence which he required, and postpone the consideration of the Report until to-morrow.

The Duke of *Buckingham* said, if the noble Earl would state what the reason was which rendered this delay necessary, he should have no objection to it. The noble Earl had declared the absolute necessity of the measure yesterday, and he should like to know what was his reason for putting it off to-day.

The Motion was agreed to.

The Poor-laws' Amendment Bill was also, on the Motion of Earl Grey, postponed.

HOUSE OF COMMONS,

Tuesday, July 8, 1834.

MINUTES.] Bills. Read a second time:—Imprisonment for Debt; Customs.

Petitions presented. By Mr. GROTE, Mr. HUME, and Mr. BAINES, from Alehouse Keepers and others of various Places,—against the Sale of Beer Act Amendment Bill.—By Mr. DIVETT, from Dissenters at Chudleigh, for Relief.—By Sir G. GREY, from Devonport, against the Claims of the Dissenters.

FRIENDLY SOCIETIES.] On the Motion of Mr. Ord, the House resolved itself into a Committee on the Friendly Societies Bill.

On the 2nd Clause being put,

Mr. *Bernal* took that opportunity to make several objections to the general principle of the Bill. Few subjects were more difficult to legislate upon than that of Friendly Societies; scarcely any two societies were agreed among themselves as to the rules and regulations by which they should be governed. All which the Legislature had to do with the question was, to see that the operation of the rules which were made by them was not injurious to the rest of the community. Several Representatives of Friendly Societies had waited upon him on the subject of the Bill, and the great objection they entertained to this clause was, that it proposed a separate account should be kept of all monies expended by the Friendly Societies for any other purposes than affording relief in cases of sickness and old age. To this provision the delegates strongly objected. They also took another objection to the Bill. They considered it a great grievance to be compelled to employ a barrister to revise the rules and regulations they thought proper to adopt. He hoped, therefore, the Committee would not agree too hastily to the provisions of this Bill, but would resist, as far as it was possible, any enactment that should have the effect of depriving the Societies of their own management.

Mr. *Ord* concurred in the observation of the hon. Member, that it was desirable, as far as possible, to leave the management of these Societies entirely in their own hands. The principle upon which this Bill proceeded was, to relax some of the provisions of the 10th of George 4th. Societies which were willing to remain according to their present constitution would not be affected by this Bill; but if they wished to enjoy the advantages of suing and being sued in the name of their officers, they would become subject to this Bill. He could not, however, consent to abandon the clause.

Mr. *Wilks* said, that those hon. Members who were desirous to relieve the Friendly Societies from the restraints under which they now laboured would feel this clause worthy their support. These institutions were of the greatest importance to the country, and were well calculated to counteract many of the evils of the Poor-laws.

Mr. *Baines* had been informed by a gaoler in a populous district, situate in the county of York, that out of 10,000 prisoners who had been committed to his charge, not one member of a Friendly Society was ever to be found among their number. This he considered a very striking instance of the great advantage which had resulted from these Societies. It appeared to him that a facility would be given by the Bill to the principle upon which these Societies were founded, and he should therefore give it his cordial support.

Mr. *Bernal*, finding that the opinion of the Committee was against him would not divide on the clause. He had discharged his duty in stating his objections to the Bill.

The Clause was agreed to.

Mr. *Forster* proposed a clause to regulate the investment of the funds of Friendly Societies.

Mr. Ord opposed the clause.

The Committee divided: Ayes 21; Noes 30; Majority 9.

List of the AYES.

Attwood, T.
Baillie, J. E.
Baines, E.
Bernal, R.
Briggs, R.
Cayley, E. S.
Duncombe, T.
Gordon, Captain,
Gully, J.
Hawkes, T.
Lister, E. C.
Maxwell, J.
Parrott, J.
Phillips, M.
Ruthven, E.
Seale, Colonel,
Stanley, E. J.
Wilbraham, G.
Williams, Colonel

TELLER.

Forster, C.

The House resumed, and the Report was brought up.

BUSINESS OF THE HOUSE.] Lord *Morpeth*, in moving the Resolution of which he had given notice, that for the remainde rof the Session, Orders of the Day should have precedence of notices, said that in bringing forward a Motion for the express purpose of saving the time of the House, he should not address it at any length; indeed the subject was one which, at this period of the Session, required little to be said in its support; however as he was determined to take the sense of the House upon it, he would briefly state the grounds on which he brought it forward. In the first place, for a precedent, he would refer to a similar motion which he proposed, and which the House adopted, last Session. Then as to the necessity for such a Motion, he thought that that was obvious. Whatever differences of opinion might exist as to the change that had taken place in the Constitution of the House, it would be agreed by all that it stood upon a totally different footing from formerly. Then the conducting of the whole business was vested in the leader of the two parties into which the House was divided. But now the House was divided into various and different parties, and there were numbers of stragglers—he meant not the phrase in an offensive sense—who considered themselves amenable to no party banner at all. Notices without number, and of every shade of variety, appeared on the books, not representing the concentrated views of a party, but the individual opinions and sentiments of the respective members who had given such notices. The result was, that now, approaching the dog-days, there was no diminution of such notices, and that the public business was in every way retarded. He thought, that under such circumstances Parliament would be justified in adopting some definite arrangement upon the subject for future Sessions. In his opinion the practice that had been adopted in regard to private business might be advantageously extended to the public business of the House. The Motion which he was about to submit was, however, limited to the present Session. As might be expected, each individual Member who had a notice on the books was always ready to admit, that the public business should take precedence of all other notices but his own. In fact, no one would give up his own Motion, and the public business was retarded. To get rid of such Motions the House was frequently counted out as on the 8th and 16th of May, the 10th, 17th, and 24th of June, and the 3rd of July, and thus in the very heart of the Session, a whole week was lost. On all such occasions too the House was counted out at an early hour. He could not be charged with having taken the House by surprise, and his proposition, which he should conclude by moving, was, "that for the remainder of the Session, Orders of the Day should take precedence of notices of motion."

Mr. *Hume* said, that if the House should adopt the Resolution proposed by the noble Lord, it would preclude the possibility of hon. Members bringing forward any new matter, however important, because the Bills which his Majesty's Government now had before the House would occupy every hour of the time which yet remained of the present Session. He hoped the House would hesitate before it adopted the Resolution, as it would drive hon. Members to the inconvenient alternative of bringing forward their Motions as Amendments upon the Orders of the Day. It had been very convenient for the Government to have the House counted out upon any discussion that was unpalatable to them, and the adoption of this proposition would enable his Majesty's Government to defer bringing in their Bills for the future until towards the end of the Session, and then get some Member to assist them by moving such a proposition as the present. For his own part, he would rather that the House should sit for the next two months than that so important a privilege of the Representatives of the people should be given up. He should therefore most certainly oppose the Motion.

Mr. *O'Connell* said, that if he stood alone he would divide the House against the proposition. It was a curious coincidence that this proposition should be made just as it was proposed to hurry the Bill through the House which took away the liberties of the people of Ireland. He could tell the noble Lord, that his plan could not succeed if carried, nor should it succeed, for hon. Members would certainly take the more inconvenient course of moving the Motions which they contemplated by way of Amendments upon the Orders of the Day. Formerly motions always took precedence, but at length three days were appropriated to Orders, and now the remaining two days were sought to be added, though on those days when the Motions to be brought forward were unpalatable to the Government, the House had been counted out. The Government whipper-in had then stood at the door of the House to prevent Members from entering, and thus even now the House was deprived of its old constitutional mode of proceeding. He hoped either that the Motion would be abandoned by the noble Lord, or that the House would reject it.

Mr. *Buckingham* had suffered from the House having been counted out; but he would not complain, though he conceived it to be a mean course of defeating or evading the discussion of a question. He deprecated such a practice on important motions such as that submitted by the hon. member for Liverpool on the subject of the East India trade, and that with reference to the currency. With respect to the Motion now before the House he should oppose it.

Mr. *Poulett Thomson* repelled the charge, that the Government had obtained the counting-out of the House on the two occasions which had been alluded to. On both occasions he had been present, and with respect to one—he meant the Motion of the hon. member for Liverpool—he felt deep regret, that the discussion had been so interrupted, because it allowed the statement of the hon. member for Liverpool to go forth to the public without a reply on the part of the Government.

Mr. *Tennyson* said, the Motion would interfere with the ancient and undoubted rights of the people conferred on their representatives. While he protested against the innovation upon the privileges of the House, he left it to hon. Members to use their discretion in bowing to the urgency of public affairs. If, however, the proposition were carried, he should make a point of submitting a Motion without any notice whatever.

Sir *John Wrottesley* concurred in the sentiments expressed by the right hon. member for Lambeth. Parliament had, however, already sat five months, and in that period sufficient time had been given for hon. Members to bring forward any measures of importance. With respect to not making or rather counting out the House, he begged to say, that this step had last week been taken under peculiar circumstances. The House would remember, that the right hon. Gentleman who filled the chair had sat on the previous day from 12 to 3 o'clock, and again from 5 till half-past 4 o'clock in the morning; and though the right hon. Gentleman would be the last to complain, yet the House ought to pay some deference to his feelings, health, and convenience.

Mr. *Robinson* objected to the Motion, though he hoped, as it had been submitted to the House, that hon. Members whose names appeared with notices of Motions on the Order-book, would be induced to suspend them. Rather than call for so fatal a precedent against the privileges of the House as would ensue from the adoption of this proposition, he trusted the noble Lord would, after this conversation, consent to withdraw it. If not, he should feel it his duty on principle to vote against the Motion.

Sir *Robert Peel* did not think it unreasonable that, in the present state of public business, some course should be pursued by which the attention of the House should be devoted to it. He thought the public looked to the disposal of the Orders of the Day with quite as deep an interest as on any other description of public business, though no one ought to be prevented from bringing forward any Motion which might be important. This, however, ought to be left to the judgment, common sense, and good feeling of hon. Members themselves, for he could not believe that any good could result from such a regulation as was proposed. The Order-book at present contained so many notices for each night, that it was impossible to know which would be brought forward. The list for this night consisted of twenty notices, including notices of clauses; and though he had been assured last night by the hon. member for Sheffield (Mr. Buckingham), whose notice stood first, that he was determined to bring it forward this evening, yet he (Sir Robert Peel) had entertained somehow the internal conviction, that the hon. Member would not do so. True enough, his opinion was not ill-founded, and his confidence in the hon. Gentleman's good sense, which exceeded his confidence in the hon. Gentleman's promises, had been justified. He trusted, the noble Lord would leave the subject to the discretion of hon. Members, rather than call for a vote upon his proposition.

Mr. Secretary *Rice* said, that much convenience would result from hon. Members not pressing motions which could lead to no practical effect. As to the imputation, that this Motion was made to favour the Government, other Members had as much interest in the Orders of the Day being admitted to precedence as the Government. For his own part, he was indifferent whether the noble Lord's Motion was carried, or hon. Gentlemen, in their discretion, consented to give way to the public convenience.

Mr. *Baring* objected to the Motion. As yet the noble Lord, the Chancellor of the Exchequer, had not brought forward his Budget, and in giving a general notice the noble Lord had fixed on no particular day, and he had in consequence been unable to move for certain Papers relative to the mode of conducting the financial business of the country. He had asked the noble Lord for those papers, but the noble Lord thought it his duty to refuse them.

Lord *Morpeth*, in reply, said, that he really found nothing so difficult to collect as the sense of the House. He found that every Member felt the inconvenience which attended the fact of Motions having precedence, but was unwilling in his own case to give way. Whatever motives might be assigned to him, he had no wish but to consult the convenience of the House, and it was his opinion, after the experience of this and the last Session, that some such measure was absolutely necessary to expedite public business. As to his accidental co-operation with the Government, as the hon. and learned member for Dublin was pleased to term it, in hastening forward the Coercion Bill, he could not of course expect that the hon. and learned Gentleman would place more reliance on his verbal disclaimer than on the intimation he gave the hon. and learned Member; but he could say, that he gave notice of this Motion before the Government had determined to bring forward the Coercion Bill; namely, on the 18th of June. He was, however, willing to suspend his Motion for the present, if a farther experiment of the discretion of Members would be attended with any advantage.

The Motion was withdrawn.

Divisions of the House.] Mr. *Ward*, on bringing up the Report of the Committee, appointed to consider the best mode of taking authentic Lists of the Divisions in the House, after recapitulating the plans which had fallen under the consideration of the Committee, and been rejected by them, proceeded to explain the mode which the Committee recommended for the adoption of the House. As long as the Members met in the building which was at present appropriated to their Debates, it was impossible that the plan which the Committee thought the best could be carried into execution. That plan was, that the ayes and the noes should both leave the body of the House, and retire into rooms at the opposite ends of it, and as they re-entered the House the name of each Member might be declared aloud by one of the clerks of the House stationedat each door, and taken down by a person. But as this method was at present impracticable, the Committee thought it best, that those Members who were presumed to be the minority should, as was the rule at present, go into the lobby, and then the names of those in the House having been taken down, the names of the minority should be collected and written down. He need say nothing of the inconvenience resulting from the present method of preparing these lists. There appeared in the newspapers a constant succession of protests from Members against their inaccuracy, and he had sometimes seen as many as eight or nine letters in one day, to correct the mistakes that had been made. The editor of *The Times* had been so pestered with the applications, that notices continually were appearing in that periodical on the subject. On one occasion he read, "We have repeated *usque ad nauseam* that we have nothing to do with making out these lists; why does not the House find the means of correcting this anomaly?" To be sure, why did not the House adopt some method to authenticate the lists? He hoped that they would agree to his experiment, and he should therefore move that the House take the Report into consideration with a view to the adoption of its recommendation at the commencement of the next Session.

Mr. *Hawes* hoped, that the independent Members of the House would unite, and work out one good measure at least during their prolonged session. He seconded the Motion.

Mr. *Hume* considered the question of very great importance. Lists had been made out for a considerable period; but hitherto, for want of some authorized system, it had been done very partially and incorrectly. They had been prepared with a great deal of trouble, and had occasioned much loss of time to those Members who had undertaken the task of furnishing them. He himself had for many years taken as much trouble to make out lists as any Member in the House. Indeed, it was only within the last twelve months that, having been anxious to get other Members to attend to the matter, he had given to it comparatively less attention. He hoped that no man who came to this House was afraid of its being known how he voted. Every Member ought to be prepared to defend his vote, be it in accordance with or against the views of his constituents. He believed, that the effect of publishing the divisions would be to cause a fuller attendance of Members, though the limited attendance, deficient as were the present accommodations of the House, was rather in favour of those who were the more hard-working Members, and who regularly discharged their duties there. They ought, however, to have regard to what was the intention of the Reform Act, which unquestionably was, that every Member should be at his post. His opinion was, that till a new House of Commons was built, it would be impossible that divisions could be taken in the manner that was most desirable. Several plans had been submitted to the Committee, and only one of them met with unanimous approbation; but it was impossible to carry it into effect for want of more room. According to this plan two additional rooms were necessary, in order that one party might go out at one door, and another party at the other door; it was proposed that as the Members went out they should be counted, thus both sides could be counted at the same moment, and the time of the House would not be lost as at present. The want of the requisite accommodation induced the Committee to recommend the plan now before the House. He thought that in ordinary divisions it would answer very well; but when they had such divisions as they had the other night, when between 300 and 400 divided, the Members of necessity would be sitting so close, that the tellers, unless they had very good eyes, would not be able to distinguish one from the other.

Sir *Robert Peel* was against the plan altogether. He would leave every man who gave his vote according to his conscience to state to his constituents, if he pleased, what his vote was on any particular occasion. As to the liability of being called on by his constituents to inform them as to such vote, if the principle of the Motion now before the House was a good one, there ought to be a division on every question on which there was not a perfect unanimity of opinion. He thought that the tendency of the proposed plan would be to multiply divisions. Thus, if 200 took one view of a question, and only ten the other view, there must be a division and a publication of the list, that the constituents of the ten virtuous patriots might know how they voted on the particular motion. He thought that most erroneous inferences would frequently be drawn from records of the names unaccompanied by explanation. What could the constituents understand from the mere statement of the Motion according to the forms of the House? For example, they would sometimes find it recorded thus:—That the words proposed to be left out stand part of the question; the "ayes" voted in this way, and the "noes" in the other way. It would be necessary for Members to explain the grounds on which they gave their votes. It did not appear to him that they were in a situation to adopt any of the plans submitted to the Committee. The first was, that the names of all the Members should be called over; this the Committee objected to, on account of the loss of time that would be occasioned. The second was, that Members should inscribe their names in a book on entering the House; this also the Committee rejected as inconvenient. The third was, that the Members should go one side into one lobby, and the other side into another lobby; but to carry this plan into execution, extra room would be necessary. The fourth plan was, that now under the consideration of the House; and it appeared the hon. Gentleman who made the Motion had himself no great confidence in his proposition. The two tellers must be acquainted with every Member in the House; this was one great difficulty to be overcome. Then were the tellers to be appointed now at the latter end of the Session? If so, they would have a comfortable office during the recess. [Mr. *Ward* did not propose to try the experiment till next Session.] Then he would put it to the House whether the question had not better be postponed altogether. Why should they be called on to pledge their successors the succeeding Session.

Mr. *Grote* hoped the House would not be induced to negative the Motion of the hon. Gentleman. It was unjust to the people of England to say, that when the votes were laid before them they would not have intelligence enough to understand on what principle their Representatives had acted. The Reform Bill having passed, the people should be placed in the best possible situation as regarded their means of obtaining accounts of information as to the votes of their Representatives, in order that they might be able to form a proper estimate of the claims of the candidates who might offer themselves. As to the principle of the Motion, he was strongly in its favour; but as regarded the means by which it was proposed to carry that principle into effect, he spoke with considerable diffidence, because the experiment had yet to be made.

Mr. Secretary *Rice* said, the House had decided that this was a fit subject for the inquiry of a Committee, but there was still the question before them as to the means by which the object was to be effected. He would, in the first instance, ask whether, by the course pursued at present, their constituents did not obtain a competent knowledge of the votes of Members of that House? In all important questions the divisions were published, and they were generally accurate. When they were not so, he knew that Members were put to the trouble of writing letters to correct them, and he could easily understand why they should be desirous of relieving themselves from the performance of this task; but, on the other hand, if they adopted either of the plans proposed to remedy the evil, he feared that the sacrifice of time on the part of the House would be considerable.

Mr. *Kennedy* thought the thanks of the country eminently due to the hon. member for St. Alban's, for his zeal in bringing this subject before the House, and trusted he would persevere and bring it to a happy conclusion. Whoever had seen the facility with which names were taken in such large assemblies as the halls of Lincoln's Inn and the Middle Temple, could have no doubt of the practicability of the recommendation of the Committee. He trusted the House would agree to the measure, and carry it into effect, as he considered it only next in importance to Triennial Parliaments.

Mr. *Wynn* opposed the plan. He thought, firstly, that it was impracticable to any good purpose; and secondly, that the attempt to carry it into effect would only cause an increase in the number of divisions, and the consequent obstruction of public business.

Sir *Matthew White Ridley* wished the consideration of the question to be put off until next Session.

The House divided: Ayes 76; Noes 32—Majority 44.

Mr. *Ward* then moved, "That the plan proposed by the Committee be acted upon before the close of the present Session, and that clerks be appointed for the purpose of carrying it into effect."

Motion agreed to.

List of the AYES.

Baines, E.
Barnard, E. G.
Beauclerk, A. W.
Bellew, R. M.
Bernard, Hon. W.
Bewes, T.
Blackburne, J.
Blake, M.
Blamire, W.
Brodie, W. B.
Brotherton, J.
Buckingham, J. S.
Chapman, M. L.
Clay, W.
Divett, E.
Dobbin, D.
Dundas, J. W. D.
Ellis, W.
Evans, G.
Ewart, W.
Faithfull, G.
Fenton, L.
Fergusson, R. C.
Fitzsimon, C.
Fleetwood, P. H.
Gisborne, T.
Goring, H. D.
Grote, G.
Hawes, B.
Hoskins, K.
Hume, J.
Humphery, J.
Jacob, E.
James, W.
Jervis, J.
Kennedy, J.
Lister, E. C.
Lloyd, J. H.
Lynch, A. W.
Murray, J. H.
Nagle, Sir R.
O'Connell, D.
O'Connell, J.
O'Connor, F.
O'Conor, Don
O'Dwyer, A. C.
O'Reilly, W.
Oswald, J.
Parrott, J.
Pease, J.
Phillipps, C. M.
Plumptre, J.
Potter, R.
Richards, J.
Rider, T.
Robinson, G. R.
Roche, D.
Ruthven, E. S.
Shawe, R. N.
Sheil, R. L.
Sullivan, R.
Talbot, J. H.
Tennyson, Rt. Hon. C.
Torrens, Colonel
Tower, C.
Vigors, N. A.
Walker, C. A.
Walker, R.
Wallace, T.
Walter, J.
Ward, H. G.
Wason, R.
Williams, Colonel
Williams, A.
Wood, Alderman
Young, G. F.

TELLERS.

Ward, H. G.
Hawes, B.

List of the NOES.

Berkeley, Hon. C.
Bolling, W.
Bruce, C. L.
Calvert, N.
Cartwright, W. R.
Cayley, E. S.
Elliot, Hon. Capt. G.
Forster, C. S.
Gladstone, W.
Graham, Sir J.
Grosvenor, Earl
Hardy, J.
Harland, W. C.
Knatchbull, Sir E.
Lefevre, C. S.
Lefroy, T.
Lefroy, A.
Littleton, Rt. Hon. E. J.
Lyall, G.
Mangles, J.
Newark, Viscount
Peel, Rt. Hon. Sir R.
Pepys, Sir C.
Reid, Sir J.
Rice, Rt. Hon. T. S.
Ridley, Sir M.
Ross, C.
Rumbold, C. E.
Tracy, C. H.
Tyrell, C.
Vernon, G. H.
Villiers, Viscount
Wynn, Rt. Hon. C.

TELLERS.

Ridley, Sir M. W.
Ross, C.

THE ROYAL MARRIAGE ACT.] Colonel *Williams* moved for leave to bring in a Bill "to repeal the 12th Geo. 3rd, c. 11, called the Royal Marriage Act, for the purpose of restoring to the Members of the Royal Family their just and natural rights, and to afford a prospect that the Government of England will, in time, be under an influence entirely English."

The *Attorney General* said, that he could hardly believe the hon. Member was serious in submitting such a Motion under existing circumstances, and at a time when there were so many practical measures waiting for discussion. At all events, he would enter into no debate upon the subject. He would merely observe, that it was a gross mistake to suppose that members of the British Royal Family were prevented by the Royal

Marriage Act from marrying any but foreigners. The fact was, they might marry with any British-born subject if they obtained the King's consent.

Mr. *O'Connell* thought, that the Royal Marriage Act operated oppressively, and ought to be repealed. It did not prevent disputed claims, and, in fact, a serious case of that nature at present existed. He believed, that the operation of the Act was much more limited than was generally supposed, and that it did not touch marriages made out of England.

Motion withdrawn.

HOUSE OF LORDS,

Wednesday, July 9, 1834.

MINUTES.] Bill. Read a second time:—London Ward Constables.

Petitions presented. By Lord KENYON, Lord ROLLE, the Marquess of LONDONDERRY, Lord COLCHESTER, the Earl of FALMOUTH, Earl CAWDOR, the Marquess of SALISBURY, the Duke of GLOUCESTER, Lord STRADBROKE, and Lord FOLEY, from a Number of Places,—for Protection to the Established Church.—By the Duke of WELLINGTON, from several Places in Ireland, to secure to the Protestant Church the Privileges granted at the Union. —By Viscount STRANGFORD, from Shareholders of the London and Westminster Bank, in favour of the Bill for Incorporating that Bank.

RESIGNATION OF EARL GREY.] On the Order of the Day for receiving the Report of the Committee on the Suppression of Disturbances (Ireland) Bill having been read, and the Report having been brought up,

Earl *Grey* said, I rise my Lords—when his Lordship had uttered these words he was so much affected as to be unable to proceed. The House cheered him. After a short interval he repeated the expression, and again stopped. The House again cheered, but the noble Earl could not proceed, and he resumed his seat.

The Duke of *Wellington* rose, and by presenting several petitions for protection to the Established Church, afforded the noble Earl time to recover himself. After a few minutes,

Earl *Grey* again rose, and at first spoke feebly and tremulously as if he were still overpowered by his feelings. As he went on he gathered strength, his words were to the following effect:—My Lords, I feel quite ashamed of the sort of weakness I show on this occasion, a weakness which arises from my deep sense of the personal kindness which, during my having been in his service, I have received from my Sovereign. However, my Lords, I have a duty to perform which, painful as it may be, I must discharge; and in rising to propose to your Lordships to agree to the Report which has just been read, I have to state that I no longer do so as a Minister of the Crown, but as an individual Member of Parliament, strongly impressed with the necessity of passing this Act, to invest the Government, in whatever hands the Government may be placed, with the powers given by this Bill, and which I believe to be necessary to the maintenance of the peace of Ireland. I should be unworthy of the situation I have held in his Majesty's Councils, and unworthy of a seat in the House, if, in the performance of my duty, I did not take upon myself, under the disagreeable circumstances of the moment, at the risk even of misrepresentation, at the risk of any obloquy that may be cast upon me—I say I should be unworthy, if in the situation which I have held in his Majesty's Councils, I shrunk at this moment from proposing to your Lordships to agree to this step in the progress of a Bill which I believe to be indispensable to the peace and safety of Ireland. The ground on which this opinion is founded, I have before had the opportunity of stating to your Lordships—reflection has confirmed me in that opinion —which has been painfully wrung from me by a careful consideration of all the circumstances attending the state of Ireland, as they have come before me in the various dispatches received from the Lord Lieutenant of that country, from various communications from different quarters, and from the documents now on your Lordships' Table, and the result of the whole is a sincere conviction that Ireland cannot safely be left to the ordinary protection of the law, but that the Government must be intrusted with the extraordinary powers for the preservation of peace in that country which are conferred by this Act. Having gained your Lordships' assent to that opinion on a former occasion, it is not now necessary that I should address your Lordships more on that part of the subject, especially as, when I introduced the Bill, I went into a statement of considerable length of all the circumstances which, in my opinion, proved the necessity of the measure. But on this occasion, it will naturally be expected by your Lordships that I should enter into some explanation of the circumstances which have occurred, and which have placed me in the new situation in which I now move your Lordships to agree to the Report. I need not refer your Lordships to what has recently passed in this House on certain questions being put and answered when I was asked whether in any communication made on this subject, with a person who is known for the strong part he takes in the affairs of Ireland, (I will not stay to describe him in any other terms), when I was asked, my Lords, whether I was a party to that communication, I stated then, and repeat it now, that those communications were not only made without my concurrence, but without my knowledge, and that if I had been previously apprised of them, there was no power or influence that I possess which I would not have used to prevent them, for I knew, as the event itself has proved, that communications of any description whatever, even of the very slightest nature, could not safely be made to that quarter, and I should have impressed on any Member of the Government who had proposed such a communication to me, that it was not for the honour of the Government and could not be for the benefit of the country, that any communications whatever should be made to the person in question. Having repeated the opinion I before gave of the necessity of the measure which I now propose to your Lordships, the next statement I have to make is, that from the time the opinion of this necessity was formed by me, on the grounds I have already stated, it never has for one moment undergone the slightest change or variation; and I have never had any doubt as to the necessity of re-enacting all the clauses which now remain. Up to the 23rd of June I had no reason to believe that any doubt upon the subject was entertained by any Member of the Cabinet; I had no idea that anybody differed in opinion with me. It was the opinion of myself and all my colleagues, in consequence of previous communications, that it was indispensable the Act should be renewed. I myself instructed the Attorney General to prepare a Bill for its renewal, which is now on the Table of your Lordships' House; but upon the 23rd of June a new set of circumstances took place. It is extremely painful to me to go into the statement of circumstances, of which no part should have been made public; but as part has been published, and has produced certain unpleasant and important results, it is necessary that I, standing here as charged with the non-performance of my duty, and being answerable to my Sovereign, and responsible for my own character, should state, in the clearest manner, and without disguise, the real nature of all those circumstances. On the 23rd of June I received a letter from the Lord Lieutenant of Ireland, a private and confidential letter, which I never would have mentioned out of the Cabinet had I not been obliged to do so by the necessity of the circumstances in which I am placed, in which letter the Lord Lieutenant did appear to take a new view of the subject, and which, therefore, I did think it necessary should be laid before my colleagues. This letter appeared to be produced not by any original view of the subject taken by that illustrious Person, of whom I cannot speak too highly, and who, in this part of the transaction, as in every other, acted from the most conscientious desire to discharge his duty. That letter, I say, appeared to be produced, not so much by any original view taken of the state of Ireland, as by certain considerations which were suggested to the Lord Lieutenant from this country, without my knowledge or concurrence; considerations affecting rather the political state of parties in this country than of Ireland. I thought the view taken in that letter was completely erroneous. I immediately, and without the loss of a single post, wrote to the noble Marquess requesting him to reconsider the matter solely in relation to Ireland, and telling him that the circumstances to which he had adverted ought not to be taken into account. Subsequent letters arrived from the Lord Lieutenant, and the result of the whole was, that the noble Marquess did express an opinion that if it would be of advantage in the political state of this country, the three clauses might be dispensed with, as he would undertake without them to govern Ireland; and more especially if, by dispensing with those clauses, an extension of the term of the Bill were obtained. From the view taken in that letter, which the noble Marquess submitted for consideration, but not as a matter of recommendation, I must say I did feel myself compelled completely to dissent through it became a subject of much deliberation in the Cabinet. I must now speak of circumstances which ought never to have been made known, and of which it is painful to me to speak, and ought to be painful to others who have left me no choice but to go into this explanation. There was, as has been already stated, and, therefore, it cannot now be concealed, a considerable division of opinion in the Cabinet on this subject, but, ultimately, it was agreed that this Bill should be introduced as I have introduced it to your Lordships; and as it was introduced it has since received the full sanction and concurrence of the Lord Lieutenant, as well as your Lordships' sanction. It is a new practice, and such a circumstance, I think, has never before happened in the political annals of this country, that a question should arise, and a disclosure be called for of the confidential communications of Ministers of the Crown between themselves, or with the subordinate officers of the Government. It has never been the practice that such communications should be made known to the two Houses of Parliament; the result alone is that which the Houses of Parliament have generally thought it sufficient to know. You have a right to be made acquainted with public documents; but to ask what has occurred in the course of the discussion of any particular measure in the Cabinet—what particular opinions have been entertained there—what different views have been taken—at what different periods different circumstances have prevailed to alter the opinions of any of the different members of the Administration—to require these things, I say, is to require that which, if conceded, would render the task of Government, difficult at all times, and especially difficult at a time like the present, absolutely impossible. It was with considerable pain and surprise, that I heard there had been a statement made by those who ought to be anxious, at all events, to preserve the peace of Ireland, who ought to desire to retain unimpaired the privileges and the power of the Government, and not to throw impediments in the way of such purposes, or to retard the passing of this most necessary Act—it was, I say, my Lords, with surprise, I heard that they supported the Motion of an hon. Member of the other House of Parliament, for the production of documents which were of a nature that rendered them unfit to be laid before the House, which certainly ought never to have been called for, and which I will venture to say, never were before demanded. These were letters not addressed to the Minister of the Crown, with whom the Lord-lieutenant of Ireland ordinarily communicated in his official capacity, but addressed to me; and with whatever imprudence the nature of them might have been suffered to transpire, that did not alter the circumstances which made it improper to call for the production of the documents. I come now to the result. I have already stated to your Lordships, that certain communications were made without my knowledge or concurrence; that the making of such communications was imprudence—was the extreme of imprudence—I can hardly do otherwise than acknowledge; but the effect of that communication was, that a Member of the other House of Parliament having been put in possession of the facts referred to, made use of them for the purpose of bringing a charge against the Government of not producing the necessary documents to enable the House to judge of the Protection Bill. Further, Ministers were charged with a breach of faith, followed by vacillation and inconsistency, and the production of private documents was insisted on, contrary to all precedent and propriety. The consequence was, that my noble friend (the Chancellor of the Exchequer)—I have his Majesty's permission to state these facts, and I will not state more than is absolutely necessary—the noble Lord who has, up to this time, conducted the affairs of Government in the House of Commons, and who was one of those most fully impressed with the opinion entertained by the Lord-lieutenant of Ireland, and who felt how much of the ground on which this Bill had been proposed was swept from under him—my noble friend felt, in consequence of what had passed in the House of Commons on the night before, that he could not with satisfaction to himself, or with utility to the Government and to the public, continue in the situation which he had hitherto occupied. The consequence was, that yesterday morning I received a letter from the noble Lord, containing his resignation, and having, subsequently, in a personal interview with my noble friend, ascertained that his resolution was final and unalterable, I did what it was my duty to do, I transmitted the resignation to his Majesty. It then became necessary for me to consider what I should do. It is long since I have felt the difficulty of my situation so painfully increase, and so much above any remaining strength or energy that I may still possess—that certainly for some time I have entertained a strong wish to retire from office. My colleagues know, that this wish was anxiously expressed at the close of the last Session. They know that it was then my most earnest desire to withdraw, not from any disposition to shrink from the laborious duties of office, but from a sense that my remaining energies, if they were ever equal to it, were no longer sufficient to enable me to discharge them. I gave up that determination in consequence of the strong and united representations of my colleagues, who stated that my retirement would not only occasion the immediate dissolution of the Government, but might also throw considerable difficulties in the way of his Majesty and the country. I met Parliament, therefore, at the commencement of this Session still a Minister of the Crown, still anxious to carry into effect those further measures of improvement and reform which the situation of the country appeared to require; but not long since an event occurred which produced an important division in the Cabinet, and I need not remind the House that on that occasion, some of the most powerful members of the Government retired. I felt that separation most painfully, on personal as well as on public grounds; and I still feel it most painfully, particularly with respect to two of my late colleagues, who are Members of your Lordships' House. Feeling how unable I was to continue satisfactorily to discharge the duties of my office, I again made up my mind at once to retire; and to state to Parliament and the public that I was willing to go on while the Administration continued united, but that with such a division in it, I felt it impossible to proceed. That resolution was so decidedly taken, that I thought nothing could divert me from it; but again, on the representation of my remaining colleagues, and in consequence of an application, of which your Lordships may have heard, from a great number of the Members of the House of Commons; but, above all, desirous to avoid the difficulties in which his Majesty might have been placed by a dissolution of the Government at that period, and actuated by an anxious desire to carry through the measures then in progress, which I conceived to be essential to the most important interests of the country—actuated by all these considerations, I was prevailed on to abandon the resolution which circumstances had induced me to form, and which they appeared to justify. In March last, I completed my 70th year, and at that period of life, a man though he might be able to discharge the duties of the office which I hold under ordinary and easy circumstances, yet, considering the present condition of affairs, I felt, that the duties imposed on me were too much for my strength, and that I should, therefore, be justified in retiring. That intention, however, for the reasons I have stated, I abandoned. The places of those who left the Administration, were filled up, and I was in hopes that we should have gone on at least till the measures then before Parliament were completed, and the Session was concluded. But this new state of affairs deprived me of the assistance of my noble friend, the Chancellor of the Exchequer, the leading member of Government in the Commons, the individual on whom my chief confidence rested, whom I considered as my right arm, and without whose assistance I felt it impossible for the Government to go on. Former breaches had considerably weakened the Government; this new breach placed it in a situation in which I could not well hope to retain my place at its head, with any view to serve the Crown or the country to any useful purpose. On receiving my noble friend's resignation, therefore, I saw no alternative, but felt impelled by irresistible necessity to tender my own to his Majesty at the same time. Those resignations have been accepted by his Majesty, and I now stand here discharging the duties of office only till such time as his Majesty shall be enabled to supply my place. I trust that, in this painful statement—in this last scene of my political life, I may experience your Lordships' indulgence. I have stated the circumstances candidly to your Lordships, —I wish to disguise nothing; and I shall be ready to submit to your Lordships' censure, if you think me in fault; but I claim your Lordships' indulgence, if my errors admit of excuse. I call on your Lordships and the public for a just and even kind consideration of the difficult circumstances in which I have been placed. I came into the Government at a period of great difficulty, and I never should have occupied my present situation if I could have persuaded the noble Marquess near me to accept it. However, I took office, under all the circumstances of the case, as a matter of duty, in order, as far as lay in my power, to obviate the difficulties in which his Majesty and the country were at that time placed. I have attempted to discharge my duty to the best of my ability, and to uphold the principles which I professed on taking office. On the first night I appeared here as a Minister, I stated the principles on which my Government should be conducted. I declared, that the three great and leading objects of my Administration should be a Reform of Parliament, peace, and economical Reform. I appeal with confidence to the House and the people to say, whether those principles have not been faithfully maintained? I know, that we have been frequently told that we do nothing—that the present Session has almost passed without anything being accomplished. But if your Lordships attend to the quarter whence these complaints arise, you will see that those who make them most loudly are in a considerable degree the cause of them, by occupying the House of Commons, night after night, with Motions which I will not designate otherwise than as Motions by which the public business is obstructed. No one in this House, or elsewhere, will say that Reform in Parliament is a pledge which I have not fully redeemed. Peace was the next principle of my Government—how has it been maintained? When we came into office, we found the country in a most difficult position as to foreign policy—many of those difficulties have been removed. The noble Marquess opposite (the Marquess of Londonderry) shakes his head, and appears to dissent from this proposition. I shall be ready to enter fully into the question with the noble Marquess at any time when it shall be brought forward, and I will undertake to show, that we have not only maintained tranquillity, but that we now leave the Government, having secured a greater probability of the peace of Europe being continued than when we took office. With respect to economical Reform, the reproach on that head will hardly be that we have done too little. We have reduced the expense of all the establishments in the country; we have taken off 4,500,000*l.* of taxation, for which we are entitled to the greater praise, as having immediately succeeded the great and meritorious reductions made by the noble Duke opposite, and by previous Administrations, for which I am ready to give our predecessors full credit. Places have been abolished, and the patronage of the Crown has been diminished, to a degree which your Lordships may, perhaps, consider inexpedient; and with regard to which, being now divested of any further interest in the question as a Minister of the Crown, I feel bound in justice, to admit that my only doubt is, whether we have not done rather too much. With respect to the internal state of the country, let your Lordships recollect what it was when we took office, and let it be borne in mind, that we now leave it in improved circumstances—trade in a sound and healthy state, the manufacturers generally employed, public credit improved, the revenue greatly increasing, and all interests in a better condition, with one single exception—agriculture; and even the depression of that interest rather affects the landlord, who will be called on for a reduction of rents, to which he must submit, than the tenant who chiefly suffers from the bad administration of the Poor-laws, and who will be relieved by the improvement of them. Political and Trades' Unions, my Lords, have disappeared, and without the application for any extraordinary powers on the part of the Government. It must be in your Lordships' recollection how we have been pressed on this subject, how we have been reproved for supineness and want of energy, for not asking for new laws and new enactments. We have resisted these applications,—we have exerted the ordinary powers of the law with a firm hand, and the result has been successful; and in this instance at least I may appeal to your Lordships and the country, that the Administration has not shown (except in the single case of the Bill which is now before your Lordships, and which the most absolute necessity demanded) any disposition to call for new and extraordinary powers inconsistent with the genius of the Constitution. This, then, is the statement which I have to offer to your Lordships. I have stated the reasons for my resignation, and I look with satisfaction upon the state in which I now leave the affairs of the country. It has been frequently indeed said, that we have done nothing. Was Reform of Parliament nothing? Was the passing of that delicate and difficult measure, the abolition of Colonial Slavery, nothing? Was the settlement of the East-India Charter, and the opening of the trade of our extensive dominions in India, nothing? Was the arrangement of the question as to the Bank Charter nothing? Are the various improvements in the Law, of which the whole credit is due to my noble and learned friend on the Woolsack, nothing? Were those reforms in the Irish Church, on account of which we have been reproved on one side that we have done too much—were they, and can they with truth be said to be, nothing? The greatest regret I now feel upon quitting office, after that of leaving the service of my master, arises in the first place with respect to the Bill for amending the Administration of the Poor-laws, and in the next, with respect to that measure for the settlement of tithes in Ireland, which I verily believe will, if passed, have a better effect in producing the settlement of that difficult question in Ireland than any other measure that has hitherto been proposed; and my regret is, that I leave these measures unfinished. These are the causes that make me feel regret at the present moment; but I leave the Government with the satisfaction, at least, that in having used my best endeavours to carry into effect those measures of Reform that the country required, I have not shrunk from any obstacles, nor from meeting and grappling with the many difficulties that I have encountered in the performance of my duty. How I have performed it is a matter that is now before your Lordships and the country; all I ask from you in considering it is, that you will not hastily, as I am sure you cannot justly, accuse me of idleness and remissness in the performance of that duty. I have been attacked on the one side for going too far; I have been attacked on the other for not going far enough, and these attacks were made when I have been standing in this House deprived of the support which a Minister of the Crown might naturally expect to receive here, and checked and fettered in every instance whatever. Under these circumstances I have done all that I could, and I will assert without hesitation, that the Government of which I have formed a part has done much more since our being in office than has been done for half a century before, for the improvement of the political condition of the country. Let it be recollected too, that we have effected these improvements, when the evils were the accumulated evils of ages, which till that time no sufficient attempt had been made in any way to reduce. Under such circumstances, and under the pressure of a necessity which I could not avoid, I have resigned into his Majesty's hands the trust which he had been pleased to confide in me. I have done so not without a painful sense of the difficulties in which his Majesty is placed by such a resignation at this moment, but with the firm resolution to do all that I can to lessen and remove those difficulties, and with the full persuasion, that my continuance in office would rather increase than diminish them. There is one point to which I am anxious to refer before I sit down. It has been urged, my Lords, as a matter of blame to me that I more than any Minister, have endeavoured to provide situations in the public service since my assumption of the reins of Government, for my own family and friends. But if your Lordships examine into the matter your Lordships will find that no Minister ever less deserved such a reproach. The entrance of any person, in any way, however, distantly connected with my family, into any office connected with Government, has always been set down to my account. Now, I leave office with a fortune not more than sufficient to support my rank and station in society, charged as I am with the maintenance of a numerous family, and certainly with a fortune not improved by the emoluments of place. I leave office, not retaining one shilling of the public money, either for myself or any of my connexions. Of my numerous relations and friends, some have undoubtedly been placed in situations under Government; but all their situations have been laborious. I ask those who have joined in casting these imputations upon me, to look at the appointments which have been made in my family, and to say whether there has been one of them which has not been justified by the conduct of the party filling it? I appeal to the individuals in office under whom those parties have acted, whether they are not parties likely and proper to have been selected for their situations, even if they had had no connexion with me? I appeal from the malice of my accusers to the justice of the country, and ask whether the mere circumstance of their connexion with me is to be considered as a disqualification for their entrance into the public service? This forms the whole of what I wished to say upon that point. There is only another topic to which I now intend to allude. It has been said that I am an enemy to the Church; and an attempt—an ineffectual attempt I believe it will turn out to be—has been made to raise against me the cry of "The Church is in danger." Now, the measures which I have promoted with regard to the Church have emanated from a sincere desire to improve the condition of the Church. In my situation, as head of the Government, I have had some Church patronage to dispose of. I appeal to the members of the right reverend Bench, whether, in my disposal of that patronage, they have seen any reason to say, that my object has not been to fill vacant benefices with persons well qualified to discharge their duties? When I said, that on leaving office I should not leave behind me any one of my connexions receiving the public money, I ought to have recollected that I have a very near and dear relation a Bishop of the Church of England. I will appeal, however, to his right reverend colleagues whether that Prelate is not fully qualified for the Ministry which he holds in the Church? But that was not my appointment. The bishopric of Hereford, in May 1832, became vacant at a time when the end of my Administration appeared to be approaching. In point of fact, at the time when I thought that I was taking leave of my most gracious Master as a Minister, his Majesty as a gracious mark of the approbation and confidence with which he had honoured me, desired that my right reverend relation should be appointed to the vacant bishopric. That gracious command it was not for me to resist. I have since added to the revenues of that see, by the recommendation of his Majesty, those of a stall in the Cathedral Church of Westminster. That, I think, will not be objected to, when it is recollected that there is not a single Bishop in possession of a small see who does not derive an addition to his income from some living being attached to it. One of my first acts on coming into office was, to assist in making an arrangement of a similar nature for a right reverend Prelate (the Bishop of Exeter) who had certainly never been a political friend of mine; but who appeared in strict justice to have a right to it, in order to fulfil the arrangements made with him upon his appointment to the see. From these two pieces of preferment my right reverend relation does not possess an income of more than 4000*l.* a-year, which, in Reforming the Irish Church, your Lordships' did not think too much to be taken as the *minimum* amount of income for an Irish Bishop. I have entered into these topics, my Lords, because I am anxious, in quitting office, that my conduct should be fully and fairly before your Lordships, and I have only to state in addition that I shall continue to discharge the duties of my office in this place so long as his Majesty, from not selecting my successor, shall have occasion for my services. But your Lordships will see that there are some measures, such as the Irish Tithe Bill and the Irish Church Temporalities Bill, which it is impossible that an expiring Administration can carry through Parliament. As to the Bill now before your Lordships, I feel as strongly as man can feel the necessity for its being passed speedily; but I do not think it expedient to send it down to the House of Commons until a new Administration is formed, for the disadvantages would not be inconsiderable which it would then have to encounter. Statements have already been made in the other House of Parliament, that the Bill will not be agreed to without the production of documents which, it is clear, cannot on any account be produced. Statements have already been made that the Bill will be resisted word by word, and sentence by sentence. At any rate, then, the Bill will go down to the other House exposed to many objections, and, in the present state of affairs, it would be liable to this additional objection—"We cannot enact such powers without knowing the parties to whom we intrust them." The course, therefore, which I propose to your Lordships, is this,—to agree to the Report now proposed, but not to proceed to the third reading of the Bill, until there is a state of things in which you can reasonably hope that it will pass the other House of Parliament. If I have any weight with those with whom I have so long been connected, that weight shall be employed in persuading them to follow that course; at the same time, I will once more take upon myself the responsibility of declaring, that, in the present condition of Ireland, the passing of that Bill is, in my opinion, indispensably necessary. I also think that your Lordships will agree with me, that it is hardly possible for those now in office to proceed with the Irish Tithe Bill, until they know by whom they are succeeded. With respect to the Bill for the Amendment of the Poor-laws, do not consider it either as a a political or a party measure, it is a measure that circumstances have forced upon the consideration of the Government, and the Government, have endeavoured to fulfil its duty to the country by bringing it forward, after a full and fair examination into the whole matter by an enlightened Commission. It is my intention to propose the second reading of the Poor-law Amendment Bill on Friday next, and to use my best exertions to carry that Bill into a law. I may have much to account for to your Lordships, and to the country, with respect to the ability with which I have discharged my duty; but I trust that I shall stand excused in your Lordships' and in my country's opinion for any departure from the principles which I have professed, or for any deviation from that conduct which became a man of honour. Whilst I have health and strength left me, I shall continue to attend in my place in Parliament as an individual Peer, and to assist in promoting those views which I conceive to be the best for the general interests of the country.

The Duke of *Wellington* said, if the noble Earl had confined his explanation to the causes of his own retirement from the King's service, and had not adverted to other topics totally unconnected with them,—above all if the noble Earl had not taken under review former discussions in this House, and even the conduct of this House, itself, I should have been relieved —and most happy should I have been in being relieved—from the necessity of addressing a single word to your Lordships upon this occasion. The noble Earl has stated, with great clearness, the cause of his own resignation of the situation which he holds in his Majesty's service; but, begging the noble Earl's pardon, he has left another subject wholly untouched —the cause of the resignation of his noble Colleague, which has occasioned his own. That subject has been left entirely unexplained, and I cannot but express my surprise that it has been so left, because, if ever there were a set of men bound to their Sovereign more than any other set of men—if ever there were a set of men under the absolute necessity of continuing in the service of their Sovereign, as long as they could do so without the violation of honour—the noble Earl and his colleagues are those men. But there is another reason why I feel myself called upon to trouble your Lordships upon this occasion. The noble Earl has referred, and referred very pointedly, to the speech of a right hon. friend of mine, in a recent discussion in the House of Commons. I quite concur in all the principles laid down by the noble Earl with respect to the propriety of calling for private and confidential correspondence between different members of the Government. But what is it that has passed on this subject? A right hon. Gentleman, high in the confidence of the Lord-lieutenant, thought fit to enter into a communication with a person who ought never to have been confided in, and thought fit to state, that the Lord-lieutenant had been of opinion, and that, too, very recently, that this Coercion Act should be proposed without certain clauses which it now contains. That statement the same right hon. Gentleman afterwards repeated in his place in Parliament. The correspondence produced, however, says no such thing, and therefore it proves, in the clearest manner, that there must have been something more than the papers recently produced, and placed upon your Lordships' Table. What passed afterwards? A noble Colleague of the right hon. Gentleman admitted that there was a further correspondence, of which he said that, though it did not bear out the opinion of his right hon. friend that the Lord-lieutenant thought that the Coercion Act ought not to be passed with certain clauses in it, it was still of such a nature that that inference might be drawn from it, and that though he could not draw that inference from it himself, others might. Does it not, then, become necessary for Parliament to know what the opinion of the Lord-Lieutenant was, which was thus quoted by one Minister, and thus commented on and discussed by another? What! are the noble Lord and the right hon. Gentleman to be at liberty to come down and discuss certain documents, and yet are other Members of Parliament not to be at liberty to discuss or even to mention them? I contend that my right hon. friend was perfectly justified in stating that it was necessary that Parliament should see the correspondence thus quoted and thus discussed by two members of the Government. That correspondence now turns out to be exactly what I at first expected,—namely, that the Lord-Lieutenant's opinion having been drawn from him, probably by certain questions, was to this effect:—"If such and such be your position in England, then do not introduce these clauses, and I will endeavour to carry on the Government of Ireland so as to do without them." Now, it is very proper for those who object to this Bill altogether, to have the circumstances which elicited that opinion before them; and it is only proper for others who wish to do justice to all parties, to see the papers thus quoted and thus discussed by two Ministers of the Crown, in order to enable them to arrive at a correct conclusion. I beg leave once more to observe, that, up to the present moment, the House has not received any explanation of the causes which have led to the resignation of the noble Lord, the Chancellor of the Exchequer. That noble Lord resisted the Motion for producing the documents to which I have referred. He resisted it successfully, for he was in a majority during the whole of the evening; and who knows but the same majority which supported him in resisting the production of those papers, might not have continued their support to any measure that he might have brought forward? I therefore repeat—and I am sorry to repeat it; but my conviction is, that the noble Earl, and the noble Lord in the other House, have no grounds whatever for deserting his Majesty's service. I should, my Lords, be happy if I were spared the necessity of adverting to the measures of the noble Earl's Government; but the noble Earl has himself imposed the necessity upon me. The noble Earl has spoken of the excited state in which the country was when he and his colleagues accepted office; but, in speaking of the causes of that excitement, the noble Earl has not alluded to the effects which the two revolutions which had occurred immediately before in neighbouring countries—the revolutions of Paris and Brussels—had in producing that excitement. Nor has the noble Earl stated all the domestic reasons for the state of the country when he and his colleagues accepted office. Begging the noble Earl's pardon—but I must tell him, that he has forgotten to state that all the populous towns throughout the country, were, at that time, paraded by large bodies of men having political objects in view. This is one reason which I could give for the state of the country at the time the noble Earl took office. The noble Earl has boasted of what his Government has done for the country. My Lords, I hesitate not to say this: that, during the three years and a half that the noble Earl has presided over his Majesty's Councils, there has been more blood shed in this country than there was from the year 1780, the time of Lord George Gordon's riots, down to 1830, the period when the noble Earl accepted office. The noble Earl has also talked of the prosperous state of affairs in other countries—of the peaceful state of Europe generally at this moment. My Lords, I maintain, that the peace of Europe is not more secure at this time than it was when I quitted office. In point of fact, Europe is in a more unsettled state now than when the noble Earl assumed the reins of Government. At that time, he talked largely of the principle of non-intervention. On the very night in which he did accept office, he declared, in the hearing of your Lordships, that non-interference in the affairs of other countries, was one of the three great principles on which his Government should be conducted. Now, my Lords, I ask, how far has the noble Earl redeemed this promise? The noble Earl has prudently said nothing of that principle to-night, but I ask, if every part of Europe does not complain of the intervention of this country in its affairs? Was not the quadruple alliance a breach of the noble Earl's promise of non-intervention in the affairs of other States? My Lords, I do say, that this country had no right whatever to interfere in the affairs of Spain and Portugal. The noble Earl had also adverted to the affairs of the East and West Indies, and to those of the Bank of England. We do not yet know whether, in the expectations he forms from these measures, he is right. I hope in

God he is so. But the noble Earl cannot boast with respect to the effects of the West-India measure, until he sees the slaves emancipated; and let him not boast of the benefits of the East-India and China measure, until he first sees how it operates. My Lords, I am sorry to be obliged to advert to these questions: if the noble Earl had not introduced them, I should not have referred to them. In those instances in which I have opposed the measures of the noble Earl, it has been solely because I did not approve of them; and there never has been a disposition on this side of the House to object to the measures of the noble Earl merely for the sake of creating an opposition. On many of his measures I have had the misfortune of differing from him; but this I can say for myself, that I was always most anxious to support him when I could; and I mean to support the noble Earl in the measure of which he has given notice that he intends to move the second reading on Friday next. I repeat, my Lords, that I was always anxious to support the noble Earl, and that I never opposed him but with pain.

The *Lord Chancellor* said, that after the extraordinary speech of the noble Duke who had just sat down, he must trespass upon the indulgence of their Lordships for a few minutes. That he rose under the influence of feelings exceedingly different from those under which he laboured when his noble friend resumed his seat was a point which he should not attempt to disguise from the House. He partook of what he then supposed to be the universal feeling, and what every thing which had passed subsequently convinced him was very generally the feeling of the House, and that feeling would have indisposed him—indeed, it would have deprived him of the capability of entering into a political contention, a party discussion, on the merits of a speech which was an explanation merely, and not an attack. He felt surprised, but there was no accounting for taste,—he felt surprised that this occasion should have been selected for bringing forward such a discussion as that originated by the noble Duke, and he was confident that, if by any means, the sense of their Lordships could be taken on this subject, on this occasion at least he should find himself in a large majority. Nevertheless, the noble Duke had dragged him by force, into the discussion, unless, indeed, noble Lords, who were judges, deemed it a part of justice, that they should hear only one side, and that side the side of impeachment and attack—of impeachment against measures, and of attack against individual Ministers; and that they should dispense with the somewhat inconvenient task of hearing the other side. He had never heard a speech less calculated to excite angry feeling than that which had just been delivered by his noble friend, or less calculated to kindle and increase political animosity. He had never heard an address more touching in painting, more candid in pretension, more fair and open in disclosure—one in which blame against anybody, and more particularly against the noble Duke, was more cautiously and carefully shunned. His noble friend had stated his reasons for his unhappy resolution—for so he (the Lord Chancellor) must call it—of retiring from office, a resolution which no man could deplore more sincerely than he did; and in taking leave of their Lordships in his public capacity—in laying down his office—in stating the reasons why he laid down his official life—his noble friend, by some slip of the tongue, had called it his political life, but God forbid that his political life should yet close for many a long year—his noble friend, in laying down before their Lordships his official life in the House of Lords, in taking leave of his colleagues on the one side, and his opponents on the other, did, he confessed it, and so too would his noble friend confess it, indulge in a retrospect of what he had done for his country, and of what he could trust to in his retirement for the continuance of his name in veneration among his friends and countrymen. His noble friend had taken the opportunity, much exasperated as he was, by the foulest and falsest calumnies which public men ever had to struggle against, to step aside and overwhelm his base and malignant calumniators, by telling the world the simple truth, that he retired from office, he and his family, not only not richer, but absolutely poorer than he was before his accession to power, albeit that for three years and upwards, he had enjoyed the patronage of office. Was there anything so unusual, in one so circumstanced, taking a retrospect of his public life while in office? Was there anything extraordinary in his noble friend's casting a glance at the charges made by his accusers, which could be fairly said to call forth such comments as the noble Duke felt it his duty to make? But his noble friend had been represented as making an attack, and as calling for a defence. The noble duke seemed to think that this attack was made in the noble Earl's allusion to the state of the nation. But could that be said to be an attack which consisted only in his noble friend's throwing out the challenge in his own manly manner to his accusers, and in an expression of his perfect readiness to meet those accusers on any day when they might bring forward any charges against any measure of his Government? But nevertheless this was the ground taken by the noble Duke for his comments, whether with good feeling or with bad feeling, or without any feeling of either kind, and the consequence was, that he, who had come down to that House, intending only to be a silent listener to an explanation, was unwillingly dragged in to take part in the debate. Now on one point on which the noble Duke had touched, he fully concurred with him, and he would take leave to say, that of all men who had ever held office, the present Ministry would be the most without excuse if they could think of their leaving the service of their King and country, unless through an unavoidable necessity. This had ever been his opinion since he came into office—it was his opinion to the present hour; and he felt that he should not discharge his duty if, at all sacrifice of his comfort—at all abandonment of his own ease—at the destruction, if so it might be, of his own peace of mind, he did not stand by that gracious Monarch, and that country whose support—whose cordial and hearty support—he had received during the three years and a-half of which he had been a member of the Government. After having said this, he need not add, that he had not tendered his resignation. [*A laugh.*] Did their Lordship think that there was anything very peculiarly merry or amusing in being a Minister at the present time? If they did, he would invite them to take a part in the re-construction of the Government. But he thought they knew better. If they were not aware of the annoyance which must attend such a situation, he was; and he would tell those noble Lords that such was his feeling with respect to office, that nothing but a sense of the most imperative duty could have kept him in office one hour after the resignation of his noble friend. His noble friend had made out his own case; but, according to the opinion of the noble Duke, no sufficient explanation had been given of the resignation of the Chancellor of the Exchequer. He (the Lord Chancellor) would only say, that he differed widely from his noble friend (Lord Althorp) as to his resignation. He did think that his noble friend, the Chancellor of the Exchequer, ought not to have resigned. No man could admire more than he did the talent and integrity of his noble friend, and he knew that he did but echo the opinion of the country, when he said, that a more honourable man in his public and private relations—that one more upright as a Minister or more virtuous as a man, did not exist in these kingdoms. His noble friend had, from an over-sense of high feeling, been induced to take a step which his noble friend, and the country, he trusted, would not see occasion to rue. He, however, cast no blame—he imputed none. He only said, that he differed from his noble friend; but he could not follow his example. That example was not followed by any other member of the Government, save the noble Earl at its head. These two were the only resignations which had been tendered. What he had thus said, would, he hoped, be considered a sufficient explanation on these points. But the noble duke seemed to think, that the noble Earl had attacked a right hon. Gentleman (Sir Robert Peel) in another place, for having called for the production of certain private and confidential communications made to the Government, as if they were *publici juris*. There was no attack, the fact only was stated, and the course recommended by the right hon. Gentleman was most properly objected to by his noble friend. He spoke not for one Government, but for all Governments, when he protested against the doctrine laid down by the noble Duke in his friendly zeal for his right hon. friend in the other House. Was it, he would ask, to be endured, that a Government acting on its own responsibility, and getting its information from various sources, and amongst others from members of its own body, should be required to produce, not only the grounds on which they came to the conclusion as to a particular measure, but also the fact, whether at any time, any of them had held a different opinion before that conclusion was formed? Were they now to be told, that the evidence furnished as to the necessity of the renewal of the Coercion Bill, as it was called, was not sufficient, but that they must also have the fact, whether, at any time, the Lord Lieutenant of Ireland had held a different opinion as to the necessity of the whole or of parts of that Bill? If the opinions of individual members of the Government, secretly and confidentially communicated, were thus to be called for, there would be an end of all Government. Supposing there had been two meetings of the Cabinet on the subject, and that on the first it was a matter of doubt, but that on the next all doubts were removed, would it be a fair ground of objection to the measure, to say, that it could not be brought forward until the opinions of individuals on the first day were produced? "But, then," said the objectors, "we must not only have the conclusion, to which you as a Government came, but we must also know the opinions which some of you held on some particular day, before you came to that conclusion." This, then, was the opinion of those wise, those sensible, those logical Statesmen, who by the way were prepared to go all the lengths with the Bill from what they had heard of the decision of the Government on the Saturday, but who now stopped short, and called for the opinions which were held on the Friday. ["*No, no.*"] He would demonstrate it in a moment. They had the letter of the Lord Lieutenant on one day, stating the necessity of the measure. Now, what did it signify as to the Bill itself, what might have been said or done on a former day? It was just as absurd as to object to the conclusion to which the Government might have come on the Saturday, because it did not produce the opinions which might have been given on the Friday. The noble Duke had felt it necessary to enter into the question of foreign politics, though there was but one single sentence in all that his noble friend had said which referred to the situation of this country respecting its foreign relations. If the noble Duke had conceived that that one sentence had justified his reference to our foreign policy, he wished him joy of the discovery. The noble Duke seemed to think, that there was nothing in having kept at peace with all Europe, in the last three years and a-half. Now, what had been said by an hon. Gentleman, a Member of the other House, to whose opinion he presumed the noble Duke would attach some weight? The hon. Member to whom he alluded, had once been Member for, he believed, Taunton. He did not know whether he still represented the same place, but if not, he must suppose, that he sat for some other borough, for he could not believe, that with the peculiar opinions which he once held, he could now be a county Member. His opinions were once so strong against the Corn-laws, that he almost headed the mob against that measure in 1815. Of course he could not expect that the hon. Gentleman could now sit for a county, and still less for such a county as Essex; or that he could have influence enough to get returned for that county, and to defeat his noble friend (Lord Western). But what said his hon. friend—the hon. Member to whom he alluded—for he still called him his hon. friend—they were still on habits of private friendship, though he differed from his hon. friend, or rather he should say, that his hon. friend differed from him, for he went away from those opinions which he had once held, but which he (the Lord Chancellor) still continued to hold—but what said his hon. friend on the accession of the present Administration? He remarked, that if they kept the peace of Europe for three months, it would be a miracle. Well, they had kept it now for three years—for three years and seven months; so that in fact they had three years and four months to spare, and yet they counted it no miracle, and he saw no chance of the peace of Europe being interrupted, unless something stepped in, for which they were not prepared, to mar the policy of the present Administration. Unless some unforeseen interposition of that kind should occur, he would say, that the peace of Europe was more secure at the present moment than when they came into office; and he should consider it no slight praise to their successors in office, whoever they might be, to say in three years and a-half hence, that they had kept the peace of Europe as well as it was left on the 9th of July, 1834. That he thought would be doing something for which they would deserve well of their country, He did not think that he ought to trespass on the time of their Lordships by any further remarks, but there was one point on which he would beg to offer one or two observations. He alluded to what had been sometimes said by a most able and intelligent individual, a Member of the other House, out of whose book the noble Duke had taken a leaf on this occasion. In following the example of the hon. and learned person to whom he alluded, the noble Duke made his remark —not, of course, in order to attack—not to accuse the Government of his noble friend, but, no doubt, out of pure kindness, and as a proof of the disposition of which he spoke, as existing at that (the Opposition) side of the House, to give every support to the Government of his noble friend, or rather not to oppose it, except on conscientious grounds: that remark was, that since the days of Lord George Gordon's mob, in 1780, more of the blood of his Majesty's subjects had not been shed in this country, than since the accession of his noble friend's Administration. Now, if the noble Duke had complained—if he urged this as a matter of blame—as showing that the Government was cruel or sanguinary, or too severe or too harsh, the complaint would be understood; but it no doubt was not intended to be confined within the walls of that House, but that the echo of the charge should rebound beyond its walls, like some of the charges of the very eloquent orator to whom he had alluded, and whom the noble Duke himself had blamed for appealing to the excitable feelings of his countrymen, in a way which he must know would soon be carried out of doors. He would say, that the charge, taken by itself, was one of unmitigated blame, but taken in connexion with the circumstances out of which it arose, no blame could attach to the Government. He would ask the noble Duke to point out any one case in which the law had been carried into execution to its extreme extent, in which it had not been called for by the general feeling of judges and jury by whom the case had been tried, and then let the noble Duke say, whether the Government deserved that blame which had been sneeringly cast upon it for too great severity, and for having shed more blood than all of its predecessors during more than ten times the period of his Administration. His noble friend, the Lord Chief Justice of England, was present to defend himself. The noble Lord knew the pains that were taken by the Cabinet, the hours they had sat in deliberation, before the final execution of the law was ordered on any of the condemned parties, and he could bear testimony to the fact, that the few who were executed, were much below the number on whom, in the opinion of the reverend Judges who tried the cases, the law ought to have been allowed to take its course. This charge was, no doubt, not made by the noble Duke to cast blame on the Government, but merely, as the noble Duke had said, to show that the noble Earl at the head of the Government, had had no easy time of it. His noble friend did not require to be reminded of that fact, for he was fully convinced of it before the noble Duke had thought it necessary to allude to it. As far as he was concerned as a member of the Government, he was anxious to be put upon his trial with respect to it, and he should be able to show, whenever the subject came for discussion, that if the Government had allowed the law to take its course on ten times the number who actually did suffer, they would have had the general feeling of the judges and jury and the country in their favour; but they had tempered justice with mercy, and they had allowed the law to take its course only on those whom, in justice to the public, they could not suffer to escape. The consequence of the course which they had pursued was, that internal peace was restored to the country, and his noble friend quitted office with the pleasing consciousness that the state of the country was happy, contrasted with that in which the noble Duke had left it on his retirement from the Administration. The noble Duke had alluded to difficulties which he said had occurred in the Administration, and he referred as causes of them, to the revolutions of Paris and of Brussels. As to the latter, he (the Lord Chancellor) would say nothing. He had, on a former occasion, expressed his disapprobation of it, and he was still of the same opinion. It was an overthrow of a monarch, and a dismemberment of Europe, brought about by a revolt for which he saw no sufficient cause. But the revolution of Paris, as it was called, though he did not call it a revolution, he could no more call it a revolution than if the noble Lord (Lord Rolle) connected with the county of Devon, and who appeared to dissent from what he said, should become a leading member of the Government of this country, and should begin by putting down the Press, by upsetting the leading principles of the Magna Charta, by suspending the Habeas Corpus Act without the authority of Parliament, and by dissolving the Parliament itself without suffering it to meet even once after it had been called together; he could no more, he said, call the events of Paris a Revolution than he should call that a Revolution which would put an end to the noble Lord's power, and to that Government which upheld him. But he must apply it to the noble Lord, for no King in this country would do or sanction such acts; but if he did, as he should feel greatly disposed to do, pull down the noble Lord from his usurped power and from his violent inroads upon the Constitution, the noble Lord would no doubt be sent to some convenient place of custody on the coast of Devonshire; yet in all this there would be no Revolution. The noble Lord would be called the revolutionist, and he (the Lord Chancellor) would be styled the restorer of the Constitution. In this sense he looked upon the transactions at Paris, not as a Revolution, but as a restoration. But call it Revolution if they pleased, he considered it a very proper one. The late dynasty of France had deserved to cease to govern that country, for they were unfit to govern, and the people deserved to be free, for they had the courage to fight for their freedom, and were not afraid to break those chains which imbecile tyrants had tried to weave round their necks. That was a Revolution which was not likely to give much disturbance to this Government. The noble Duke had alluded to the West India Question as one for which the present Government ought not to claim any credit until they saw how the measure would work. He (the Lord Chancellor) did not think it was necessary to wait any long time to judge of the effect of that measure. There was every reason to hope and expect that it would work well; but without waiting any length of time he thought they ought not to withhold from his noble friend, from party or from personal motives, the praise which was justly his due for that blessed act. The noble Duke had on this occasion, why, he knew not, felt it necessary to act on the defensive. He did not know that the noble Duke had acted more so since the year 1811. The noble Duke had taken on himself the defence of their Lordships, but he was not aware that any attack had been made on them, to need the noble Duke's defence. His noble friend (Earl Grey) had not made any attack on their Lordships. All he had said was, that in his Administration he had had difficulties to struggle with. Surely their Lordships would not take that as an attack upon them. They, he took for granted, could not think for a moment that any of those difficulties had been raised by themselves. The noble Duke had declared, that he had agreed with the measures of the noble Earl's Administration where he could, and only opposed it where he could not conscientiously go along with it, and no doubt their Lordships, who sat on the same side of the House as the noble Duke, partook of the same feeling towards the Administration of his noble friend. His noble friend had cast no blame on any part that was taken by that side. No doubt the feeling was, amongst their Lordships, such as the noble Duke described it; but it somehow happened that with all their good feelings their Lordships had opposed the Government wherever they could. [" *No, no.*"] Your Lordships (continued the noble and learned Lord) may say " No " at this side, but we at the other side think differently. I have no doubt whatever that your Lordships acted conscientiously, and because you wished, as the noble Duke has stated, to give your support to the Government of my noble friend, where you could. This disposition to support the Government was illustrated in the case of some Bills which had no particular political bearing—in the Local Jurisdiction Bill, for instance. In the case of that Bill, your Lordships allowed it to be read a second time. You allowed it to go a stage further, and to pass through the Committee, in order that it might have the advantage of your Lordships' judicial wisdom, and that you might see how far it could be improved. You allowed it to go a stage further, and the framer of it could have no notion that it was not your Lordships' intention to give it the full sanction of your judicial experience, by allowing it to pass; but just at the twelfth hour, in the very last stage, when I thought the Bill secure, I found an unusual bustle going on in the neighbourhood of this House. Correspondence was carried on to a great extent by the General Post, and the twopenny messengers and couriers were seen passing in great numbers through the streets in our neighbourhood, which seemed too confined for the crowds which came down here from all quarters. Even the judicial business of the morning was for a time interrupted by the numbers who came down here to deliver in proxies. When I saw this, I at once gave up the Bill as lost, though I could not conceive why the decision as to its fate had been reserved to that late stage. It was, however, so arranged, and the Bill was lost at that stage. I do not blame any of your Lordships for having taken that course. I have no doubt it was done from the pure desire of giving the Government of my noble friend all the support you conscientiously could. I will not for a moment suppose that it was done with any view to embarrass the Government. The Bill was founded on the Report of some six Tory Commissioners, who would have carried its principle much further than I was willing to go with it; but, nevertheless, its fate was such as I have described. My noble friend made no charge, or imputed no blame for any embarrassment which was occasioned; all he did was to express his regret that any such embarrassment should have existed. I do not feel it necessary to enter upon the question of the Reform Bill, to which the noble Duke has referred. [The Duke of *Wellington* had not alluded to that measure.] Well, I thought the noble Duke had expressly alluded to it, but I may infer that he alluded to it, and include it amongst those measures in which the noble Duke would have supported the Government if he could agree with them. But at all events I may allude to it thus far—that there were some divisions on it against its movers—that one of these was in the Committee; and it was only when its conductors threatened to cease to go on with the Bill that two of its most determined opponents declared that they were ready to bring in a similar Bill with some slight modifications. This was another proof of the disposition of your Lordships to support the Administration of my noble friend. I do not think it necessary to trespass on your Lordships' time with any further remarks on what has fallen from the noble Duke. My Lords, I must, before I conclude, again express my deep regret that the determination of my noble friend to retire from office is final. This is a regret in which I am sure very many of your Lordships participate, and in this feeling I am satisfied I might command a majority of the House. But my sorrow is the more deep when I know that my noble friend is still equal, from his robust understanding, from his undiminished ability, and his purely honourable and manly mind, to all the duties of official life—that in every quality of head and heart he excels every statesman of the age, and while I regret that he should retire, I may hope that he may be still spared to the country for many years. My Lords, I who have known my noble friend for thirty years, who have latterly lived with him daily and hourly, who have seen him in his unprepared moments, whereas your Lordships may have seen him in moments of greater preparation—I will say, and I can unhesitatingly and gladly bear my exulting testimony, that I never knew him in more complete possession of his intellect, or in greater capacity or power to guide the helm of the State, than he is at this present moment. That my noble friend should, in thus taking his official leave of your Lordships and retiring from the Administration, appear somewhat dispirited, that he should seem to have somewhat less than his usual share of bodily strength, is what may be expected—it is what I have often seen within the last year and a-half, when I have known him to act in distrust of his own force and great power of mind. That he should now court retirement, which, in spite of all he has said, I hold to be premature, I look on as a cruel calamity to the country, of which he is the brightest ornament, and one of whose most precious and most brilliant possessions is my noble friend's public character. My Lords, unlike the giddy character of the people of a neighbouring land, who will one day fall down and worship the idol of their own creation, but who on another day, when his claims to veneration are increased, will cast away that worship and break to pieces the idol they themselves have fashioned—I say, my Lords, unlike to these—the rational, the sober-minded people of this country, I mean the people of Britain, including, of course, the Irish—know the value of my noble friend; they rejoice in his character, and deem it their pride and pleasure to give him their undivided confidence; and it is my firm and heartfelt conviction, that for half a century there will have dawned no more gloomy day than that which first announces to the British people the retirement of my noble friend—that he has ceased to be their chief in all measures of rational and just improvement—their moderator, when their zeal and unformed opinions would lead them too far, and on all occasions their advocate and protector, and let me add as truly the Minister after their own heart as he was certainly the servant of the King's gracious choice.

The Report was agreed to.

HOUSE OF COMMONS,

Wednesday, July 9, 1834.

Minutes.] Bill. Read a third time:—Central Criminal Court.

Petitions presented. By Mr. Herbert, Sir James Scarlett, Mr. Pollock, Mr. Byng, Mr. Plumptre, Mr. J. Buller, Mr. G. F. Young, Mr. Shaw Lefevre, Mr. Gore Langton, Mr. H. Fellowes, and Sir C. Lemon, from a considerable Number of Places,—for Protection to the Established Church.—By Mr. Pollock, Mr. Cooper, Mr. Wilks, Mr. Warburton, Mr. Childers, Mr. G. Robinson, Mr. W. Whitmore, the Attorney General, Sir Edward Codrington, Major Handley, and Sir H. Willoughby, from several Places,—against the Sale of Beer Act Amendment Bill.—By Mr. P. Scrope, Sir Edward Knatchbull, and Mr. Dugdale,—in favour of the Bill.—By Mr. Plumptre, from Brighton, against compelling Protestant Soldiers to attend Catholic Ceremonies.—By Mr. R. Wallace, from Greenock, for the Abolition of Impressment, and against the Merchant Seamen's Registration Bill; and by Mr. G. F. Young, from South Shields, with the same Prayer.—By Mr. Ewing, from Glasgow, for Encouragement to Mechanics' Institutions.—By Colonel Leith Hay, from Elgin, to check the Clandestine Emigration of Debtors.—By Colonel Leith Hay, and the Attorney General, from the Presbytery of St. Andrew's, and other Places, for Supporting the Church of Scotland.—By Mr. R. Wallace, from Greenock, for the Amendment of the Law of Entail (Scotland); from Kilmarnock, for the Vote by Ballot; from Paisley, for Pardon to the Dorsetshire Labourers; and from Greenock, to take bonded Flour out of the Warehouse to convert it into Biscuit.—By Mr. H. Fellowes, and Mr. Wilks, from Dissenters of Uffculme, and the Tower Hamlets,—for Relief.—By Mr. Forster, Mr. Baillie, and the Attorney General, from certain Friendly Societies,—against the Friendly Societies' Act Amendment Bill.—By the Attorney General, and the Lord Advocate, from the Writers to the Synod and the Solicitors of the Supreme Court, Edinburgh,—against the Attorneys' Tax (Scotland).—By the Attorney General, from the Shawl Manufacturers of Edinburgh, for Reciprocity with France in the Shawl Trade.—By Mr. Childers, from Strathum-cum-Thetford, against the Tithe Commutation Bill; and from Whittlesea, for an Inquiry into the Causes of Drunkenness.—By Sir R. Price, from Prisoners in the King's Bench, for the Abolition of Imprisonment for Debt.—By Mr. Hoskins, from Ross (Herefordshire) for giving Poor-Laws to Ireland.—By Mr. Robinson, from Eversham, to tax Property for the Payment of the National Debt.—By Mr. Lefroy, from several Places in Ireland, for Protection to the Established Church of that Country; and from Kilhican, to revoke the Church Commission.—By Mr. Fellowes, from Ashlead, against the Claims of the Dissenters.—By the Lord Advocate, from Edinburgh, for the Amendment of the Reform of Parliament Act (Scotland).—By Sir William Rae, from the Dean and Faculty of Advocates, against the Bankrupt (Scotland) Bill; and by Mr. Ewing, from Glasgow, in favour of this Bill.

Quadruple Treaty.] Lord *Palmerston* presented a copy of this Treaty. In moving that it do lie on the Table, the noble Lord said, he felt it his duty to state, that the delay that had arisen in the presentation of the Treaty had been occasioned entirely by an accidental omission in it, and that it was not in the slightest degree imputable to any hesitation on the part of the Portuguese government to ratify the Treaty, or to any indisposition to send it at the earliest moment it could to this country.

Dissolution of the Ministry—Explanations of Ministers.] Lord *Althorp* rose and said:—Sir, having been placed in a position which renders it necessary that I should state to the House the reasons which have governed my conduct, I asked for and obtained his Majesty's permission to make that statement to the House. When the renewal of the Coercion Bill was first brought under the consideration of the Cabinet, I felt it my duty to concur in the renewal of it, with the omission only of those clauses of it relating to Courts-martial. I hope I need not say, that I did so with the greatest reluctance, and that nothing would have induced me to do so but my conviction of the absolute necessity of the case. Afterwards private and confidential communications, however, from the Lord-lieutenant of Ireland to individual members of the Government, brought the subject again under the consideration of the Cabinet in the week before last. I may as well say, that it was at this time that my right hon. friend, the Secretary for Ireland, suggested to me the propriety of telling the hon. and learned Gentleman opposite, that the question was not yet finally decided, and that the Bill was still under consideration. I saw no harm in this, if it proceeded no further; and I am bound to say, in my own justification, that I begged my right hon. friend to use extreme caution in his communication, and by no means to commit himself in what he said. As I have said, these private and confidential communications from the Lord-lieutenant of Ireland to an individual member of the Cabinet brought the subject again before the Cabinet the week before last. From the nature of these communications I was led to believe, that the three first clauses of the Act—those, I mean, which refer to meetings in the parts of Ireland not proclaimed—were not essentially necessary, and that they might be omitted from the new Bill without endangering the peace of Ireland. Under this impression, I objected to the renewal of those clauses. My right hon. friends, the members for Inverness, for Cambridge, for Edinburgh, and for Coventry, coincided with me in taking that course, and in making that objection. I need not state to the House that we were in a minority in the Cabinet. The Cabinet decided against us, and we had to consider whether we would acquiesce in this decision, or whether we would break up the Government. We decided that it was our duty to acquiesce. Upon the most careful consideration which I have been enabled to give the point since—after considering carefully the course which we then pursued—I am prepared to say now, as then, that I am convinced that, with the imperfect information we then had of what had occurred, we were right in taking that course. I do not mean to disguise from the House that I felt, in coming to that decision, that I might be, under such circumstances, placed in a situation of great difficulty and embarrassment in conducting the measure through this House. But when, on Thursday last, I heard the statement of my right hon. friend, the Secretary for Ireland, and then, for the first time, was made aware of the nature and extent of the communication which he had made to the hon. and learned Gentleman, I certainly thought it most probable, that the difficulties and embarrassments which I should have to encounter would prove to be insuperable. The debate on Monday night on the Motion of the hon. and learned Gentleman proved to me that they were so, and convinced me that I could no longer conduct that Bill, or the general business of Government in this House, with credit to myself or with advantage to the public. I accordingly wrote that night to Lord Grey, and requested him to tender my resignation to his Majesty, which his Majesty has been graciously pleased to accept. I am authorized by my right hon. friends to whom I have already alluded, to say, that they approve of, and concur in, the step which I have taken. I have stated to the House the reasons which induced my right hon. friends and myself to take that course. I should be extremely sorry if the course which I and my right hon. friends have pursued on this occasion should not be approved by my fellow-countrymen; but I should be still more grieved, if it should not be approved of by that large body of gentlemen in this House who have reposed so much confidence in me, and who, by their handsome and steady support, have enabled me to maintain a position for which my abilities would otherwise have so little qualified me. I should be deeply grieved indeed if those gentlemen did not approve of my conduct. Having made this statement to the House, I have nothing further to add, but that I hold my office until my successor is appointed; and that, until that is the case, I shall feel it my duty to conduct the ordinary business of the Government in this House.

Mr. *Littleton*:—After the statement which has been just made by my noble friend, I am sure the House will extend its indulgence to me while I address a few observations to it. No individual in this House was ever placed in a more painful situation than I now find myself placed in. I have committed two errors. I have committed, first, the error of having a communication with the hon. and learned Gentleman opposite, without the sanction of the head of his Majesty's Government; and I have committed the further and greater error, in placing confidence in one who has proved himself so ill-deserving of it. I must say, however, that nothing is easier, after such a thing has led to an unfortunate result, than to look back and discover the course which it would have been more dignified and wise to follow. I am now perfectly aware that the wisest thing for my own character and interests—perhaps the wisest thing for the interests of my friends in the Government, would have been, that I should have resigned my office the very first moment it was communicated to me that the hopes and sincere belief I had entertained that the clauses in question in the Coercion Bill would have been left out could not possibly be fulfilled. I never in my life shall forget the emotion of regret I experienced on receiving that communication; but having reflected that my resignation upon that point, and at such a time, might have powerfully influenced the conduct of others, and probably might produce a dissolution of the present Government, I confess I did not think that I was an individual of sufficient importance to justify me in taking a step that might lead to such consequences. I will candidly acknowledge that I had not sufficient courage to take a step that might produce that risk. I therefore resolved to do that which I hope was not dishonourable. I resolved to compromise my opinion on this point, albeit that opinion was a strong and decided one, and to abstain from taking a line of conduct that might injure a Government of the principles of which I in the main most cordially approved. My noble friend has observed that it was only on Thursday last he was aware of the full extent to which I had gone in my communication to the hon. and learned Gentleman opposite. I admit, that I ought to have communicated to my noble friend what had passed on that occasion. But be it borne in mind that so full and so entire was the conviction in my mind, not merely that the conversation which had taken place between the hon. and learned Gentleman and myself would go no further, but that the clauses in question were sure to be abandoned, that the importance of doing anything more than merely to inform my noble friend that a conversation of the kind had taken place had never once been present to my mind. I shall not detain the House further than to express my desire—my most earnest anxiety—that the House may feel that in the course which I have unfortunately taken I have been actuated by no other desire than to promote the peace of a country which has ever since my earliest entrance into public life, had my warmest and sincerest sympathies, and for which, be it borne in mind, I was at the time in some degree responsible.

Mr. *O'Connell* said, that the statements which had been just made had been received by the House in the manner that the candid statement of an hon. Gentleman ought, and if any person was to blame for the course which the right hon. Gentleman had taken—a course dictated by his desire to obtain tranquillity for his unfortunate country — if any person, he repeated, was to blame, he would infinitely prefer that a double share of the blame should be thrown upon him, than that any should be cast upon the right hon. Gentleman. He was now convinced, indeed it was impossible that he should not be, that the right hon. Gentleman had acted with the most perfect good faith towards him, and that the right hon. Gentleman entertained at the time an honest and sincere conviction of the truth of every word that dropped from him. Indeed, he considered the right hon. Gentleman utterly incapable of any thing else. He did not rise to vindicate himself on this occasion, but he was sure that every one who heard him would recollect that his unfortunate countrymen had reposed in him the most unlimited confidence for the last thirty years, and that he should be the most abject of human beings if he had one thought that was not absorbed in the wish to promote their liberties and advance their interests. He would ask hon. Gentlemen before they condemned him to recollect that if England or Scotland had been placed in the situation Ireland was, whether their first anxiety would not be to maintain that portion of the empire with which they were connected upon a footing of equality as regarded its rights and privileges with the rest, and if he had one duty greater than another to discharge, it was to see that Ireland should be their coequal in political privileges and constitutional rights. He was deeply convinced that the right hon. Gentleman and the noble Lord were perfectly right in deeming the renewal of the clauses of the Coercion Bill that had been alluded to as utterly unnecessary for preserving the peace of Ireland. He had acted upon the suggestion then given to him in the course he had pursued. He took no merit to himself for it, but he would have been wrong if he had said a word, or if he had written a line, from which occasion might have been taken, should any agrarian disturbance have taken place, to taunt the noble Lord and the right hon. Gentleman with excesses which it would be said his conduct had produced. To preserve the country from that danger was the object he had contemplated. He was not to be considered as a private individual in such a case; he did not act as such. When confidence was reposed in him he felt that he was bound not to mention names. He did not mention names, but then the House would recollect that he had to act with others, and to get others to act with him,—that he had to manage others; but that he would state that in that management he did not utter a word, or give a hint to any person of the quarter from which he had received the intimation in question. He had merely stated, in vindication of the conduct he then pursued, that the information he had received might be confidently relied upon. If, finding himself deceived in point of fact (though not intentionally), he had acted as he had done, he conceived he was fully justified. But he did not rise to vindicate himself. If there was blame to be cast upon any individual, he would be content to receive a double share of it. He was as anxious as any man could be for the maintenance of an administration upon liberal principles such as those professed by the four Cabinet Ministers who had been alluded to. They had his entire confidence, and he believed, that they had the confidence of the country. He thought that the strongest Administration that ever was formed in this country could be formed upon the principles which those Ministers entertained, in conjunction with colleagues who would combine with them in the same sentiments, and who would give to the country the full benefit and advantage of that measure of reform with which their names would be eternally associated.

Mr. *Hume* said, that he would only address a few words to the House. There was no man in the House that could be more seriously sorry at what had occurred, and at hearing the statement of the noble Lord and the right hon. Gentleman. He alluded especially to the statement of the noble Lord, that he had withdrawn from the Government of the country. Though he (Mr. Hume) had been as zealous as any man in supporting the Administration of Lord Grey, he must say, that he had been principally actuated in doing so by the confidence which he had in the noble Lord. It was, therefore, with extreme regret that he had heard, that the noble Lord had been placed in a situation in which he was compelled to resign his office rather than to sacrifice his principles. He regretted, he repeated, to find that the noble Lord and others of his colleagues in whom he and the country could place confidence had been obliged to secede from the Administration.

Lord *Althorp* said, that in his first address to the House, he had merely referred to his own case, and to the course which his right hon. friends had taken in conjunction with him in regard to the Coercion Bill; but he ought to have stated, what he believed Lord Grey had already stated, or was at that moment stating in the other House that in consequence of his own retirement from office, the Administration was at an end.

Mr. *Hume* said, that it was impossible that any Administration could be formed otherwise than on those liberal principles which the noble Lord opposite entertained. Attempts might be made, but he was much mistaken in the feelings, both of this House and of the country, if he did not think it was utterly impossible at the present moment to saddle upon the country a Tory Administration. He could not but again express his regret for the situation in which the country was placed.

All business was postponed.

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